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PROGRAMME MATTERS

Mid-term review of the Programme for the Development and Periodic Review of Environmental Law for the 1990s and further development of international environmental law aiming at sustainable development

Position Paper for International Environmental Law

Note by the Executive Director

1. The Executive Director has the honour to present herewith for the information of the Governing Council the position paper for International Environmental Law prepared pursuant to the request of the Governing Council in its decision 18/9, paragraph 4, with the assistance of an Expert Group Workshop on International Environmental Law Aiming at Sustainable Development, which was convened by UNEP and met in Washington, D.C. in November 1995 and in May and September/October 1996.

2. The text of the study is reproduced as it appears in annex I of the final report of the Expert Group Workshop (UNEP/IEL/WS/3/2), which has already been circulated to all Governments in English, French and Spanish, the three working languages of the Workshop.

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Annex

POSITION PAPER ON INTERNATIONAL ENVIRONMENTAL LAW AIMING AT SUSTAINABLE DEVELOPMENT

Introduction

1. Consistent with the United Nations Environment Programme's (UNEP's) general mandate to further the development of international environmental law, this Position Paper responds to UNEP Governing Council decision 18/9, paragraph 4, which requests that the UNEP Executive Director develop a "position paper for international environmental law aiming at sustainable development, containing, inter alia, compliance/implementation mechanisms, dispute avoidance/settlement procedures and new concepts and principles, with reference to existing international legal instruments as well as guidelines developed by institutions both within and outside the United Nations system." The position paper was developed with assistance of three meetings of an Experts Group on International Environmental Law Aiming at Sustainable Development, convened by UNEP and organized in cooperation with the Center for International Environmental Law (CIEL).

2. Since 1982, UNEP's action in the development of international environmental law has been guided first by the 1982 "Programme for the Development and Periodic Review of Environmental Law" (the Montevideo Programme) and, more recently, by the 1993 Programme for the Development and Periodic Review of Environmental Law for the 1990's (Montevideo Programme II). The Montevideo Programme II defines objectives, strategies, and priorities for each of the eighteen program areas, and identifies several additional subjects for possible action during the decade. Implementation of Montevideo Programme II is continuously evolving to be consistent with implementation of Agenda 21 and changing perceptions and priorities. For these purposes, UNEP Governing Council decision 17/25 provided for an intermediate review of the Montevideo Programme II not later than 1997. This request has been complemented by UNEP Governing Council decision 18/9, which requested that this Position Paper and other documents relating to international environmental law aiming at sustainable development be prepared in the context of the review of Montevideo Programme II. The review of international environmental law in general and of the implementation of the Montevideo Programme II provides insight into further actions for the development of international environmental law aiming at sustainable development.

3. Part I of the Position Paper briefly reviews the current status of international environmental law, particularly as it relates to achieving sustainable development. Parts II-V address compliance and implementation, dispute avoidance and settlement, new concepts and principles, and liability and compensation, respectively. Part VI discusses the need for, and feasibility of, new international environmental instruments based on a study requested in UNEP Governing Council decision 18/9, paragraph 5. Part VII recommends specific priorities for action to ensure the further development and effective implementation of international environmental law related to achieving sustainable development.

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I. Current status of international environmental law

4. Sustainable development was the foundation underlying the 1992 United Nations Conference on Environment and Development (UNCED), which not only affirmed the goal of sustainable development, but added critical meaning and substance to the concept. As suggested by UNEP Governing Council decision 18/9, the purpose of this position paper is to review international environmental law in the light of sustainable development.

5. International environmental law has developed as a rapidly growing specific field of international law. The field is comprised of numerous international conventions, international custom, general principles of law, judicial decisions, certain acts of international organizations, teachings of certain publicists, and many non-legally binding instruments.

6. Since UNCED, the United nations Framework Convention on Climate Change, the Convention on Biological Diversity and the United Nations Convention on the Law of the Sea have all come into force, as have a number of regional and bilateral conventions. The United nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa will also enter into force in December 1996. A number of non-legally binding instruments, including for example the declarations and programmes of actions from the Cairo International Conference on Population and Development, the Copenhagen World Summit for Social Development, the Beijing Fourth World Conference on Women, and the Istanbul Second United Nations Conference on Human Settlements have elaborated the relationship between environmental protection and other aspects of sustainable development. Certain judicial and other decisions, including the 8 July 1996 International Court of Justice Advisory Opinion addressing international environmental law in the context of the threat or use of nuclear weapons in armed conflict, have also contributed to the further development of international environmental law. The increasing number of binding treaties and other instruments that address environmental issues solely and directly or those that include or take into account environmental issues as part of their regulatory framework reflects the growing concern with the environment and the need for international cooperation. In addition to continuing to address specific resource management and health issues, international environmental law will also increasingly emphasize processes and procedures as in the UNECE Espoo Convention on Environmental Impact Assessment in a Transboundary Context and a legally binding Prior Informed Consent instrument for certain hazardous chemicals currently being negotiated.

7. In keeping with events since the 1972 United nations Conference on the Human Environment (Stockholm Conference), a growing number of actors are now involved in the field of environment. International environmental agreements, for example, frequently create conferences of the parties, secretariats, implementation committees, technical bodies, and advisory groups. International financial and development institutions are involved increasingly in implementation of environmental treaties as they aim toward sustainable development. Similarly, regional institutions, particularly in the context of regional economic integration, are increasingly addressing environmental issues. The role of non-governmental actors, including, _inter alia,_ private industry, the scientific community, academic institutions, and

environment and development organizations, is increasingly recognized as critical for the development and implementation of international environmental law. The growing number of actors involved in the field of environment offers flexibility and opportunities for innovation in resolving environmental and sustainable development problems. It also raises challenges to ensure coordination, consistency and adequate funding.

8. Because of the broad range of issues related to sustainable development, international environmental law intersects with other fields of law. The interaction of international environmental law with other fields, for example international trade, intellectual property rights, humanitarian law, or human rights, has received increasing attention and remains a major challenge for achieving sustainable development.

9. International and national environmental law are interdependent. International environmental law has implications for the priorities, goals and strategies of national law, while advances in national constitutions and other laws may provide evidence of evolving international environmental norms. International law also assists in disseminating successful approaches among States, thereby facilitating the harmonization of environmental law. In some instances international environmental law also provides a framework for financial and technical assistance for strengthening national laws and building national capacity to meet international obligations. In turn, international environmental law is in most cases implemented through national law and thus depends on national law for its effectiveness.

10. The current status of international environmental law reflects progress in the implementation of the Montevideo Programme II. Many of the above-mentioned developments are closely related to, or constitute relevant subject areas of, the Montevideo Programme II.

11. As international environmental law has evolved, it has developed certain characteristics particularly important for achieving sustainable development. International environmental law increasingly reflects an integrated approach by taking into account social and economic development goals. International environmental law also recognizes the disparities in relative development levels, allowing for differentiated implementation schedules, financial resources and technology transfers as ways to assist developing countries in meeting their international obligations. International environmental law also reflects a growing role for non-State actors and recognizes the need for broad participation in environment and development decisions. More generally, in moving toward sustainable development, international environmental law is inspiring new and innovative concepts, principles and ideas, and developing facilitating and enabling mechanisms and procedures in areas such as implementation, compliance, dispute avoidance, and dispute settlement. It is thereby playing an increasingly important role in promoting the integration of environment and development and providing an effective legal and regulatory framework for implementing Agenda 21.

II. Implementation and Compliance

12. Increasing attention is focused on improving the effectiveness of existing environmental instruments, particularly through improving compliance and implementation. Compliance and implementation can be improved in part by identifying and addressing potential problems during negotiations of international instruments. Ultimately, however, compliance and implementation depend on the existence and effectiveness of corresponding national legislation, institutions, and policies, including those that ensure access to judicial and administrative fora, and national capacity and will to implement them. More research, including case studies, is necessary to understand issues that occur at the national and subnational level. Lessons learned from such research will enhance compliance and implementation and also provide useful information to future treaty negotiations and revisions.

13. Compliance with international environmental obligations frequently requires resources, including technologies or technical expertise, that are not readily available, particularly in developing countries. Often a failure to comply reflects a lack of capacity, rather than a lack of will. Accordingly, reliance on sanctions will typically not be appropriate except in response to flagrant violations of international norms caused by a lack of will and not by a lack of capacity. As reciprocity with respect to sanctions is often not feasible in international environmental law, withdrawal of membership rights may often be the only viable option.

14. Due to the global nature of some environmental issues and the potentially high cost of compliance, particularly for developing countries and countries in transition, new "enabling" measures are emerging that facilitate and promote compliance and implementation in a spirit of global partnership. These mechanisms include the provision of additional financial resources, technical assistance, transfer of technology, capacity building, and specific cooperative approaches such as joint implementation under the United Nations Framework Convention on Climate Change. One recent example that seeks to identify appropriate enabling mechanisms is the non-compliance procedure under the Montreal Protocol on Substances that Deplete the Ozone Layer, which allows countries to report difficulties with compliance to an implementation committee, thereby enlisting the help of other Parties in achieving compliance.

15. Building the capacity of developing countries to implement their international obligations remains among the most crucial challenges for enabling compliance. Some capacity building efforts, particularly financial support and technology transfer provisions of specific international environmental treaties, are unique and essential features of international environmental law. In the future, increased cooperation and new partnerships with and among different actors, including for example the financial institutions, industry, and environment and development non-governmental organizations, will be critical for improving compliance and implementation.

16. International environmental treaties rely substantially on self-reporting. Countries are obligated to report on a broad range of activities, including, for example, efforts to curb trade in endangered wildlife, reduce greenhouse gas emissions, eliminate production of ozone destroying

substances, and conserve biological diversity. National reporting is also an important element for evaluating progress in implementing Agenda 21. Compliance with reporting requirements could be enhanced by, inter alia: increasing capacity to gather information and compile the necessary reports; streamlining, harmonizing and integrating existing reporting requirements; increasing transparency and public involvement in reporting; and adopting new technologies and methodologies for reporting. International cooperation and assistance should also be targeted to assist developing countries and countries in transition to implement coherent, effective and credible reporting systems.

17. Subject to their constitutive instruments, treaty secretariats can also play an enhanced role in monitoring compliance with, and improving implementation of, the obligations of Parties. In this regard, Secretariats should cooperate with one another in areas of common expertise and responsibility. National compliance plans containing specific and measurable benchmarks should be developed and submitted to treaty secretariats at or near the time of ratification. Treaty secretariats should assist Parties to ensure that domestic legislation conforms with treaty obligations and national compliance plans. Secretariats should also cooperate with the international financial institutions to assist countries to enhance their capacity to meet their international obligations. The international financial institutions should also ensure that projects they finance or support are in conformity with the requirements of applicable international and national environmental law.

18. Enhancing available fact-finding mechanisms could improve compliance and implementation. As one example, the OECD's independent review of the environmental performance of each member country includes implementation of international treaties. Broader use of fact-finding and inspection powers should also be considered as important methods for identifying and publicizing non-compliance. New fact-finding powers like those found in the inspection mechanisms of some multilateral development banks provide important examples for future efforts. Some experiences from other fields, for example human rights, labour standards, and disarmament treaties, may also provide valuable lessons for expanding the use of fact-finding in the environmental field.

19. Regional approaches to enhancing implementation and compliance may play an important role in the future. Processes of regional economic integration to the extent they aim at sustainable development may contribute to monitoring or enhancing environmental performance.

20. The role of non-State actors in facilitating a State's compliance and implementation is increasing and should be enhanced. Many non-State actors have expertise and resources to monitor and assist implementation efforts and draw attention to incidents of non-compliance. Non-State actors working cooperatively with governments can contribute significantly to a culture of compliance by helping to build the capacity for implementation, by assisting in the transfer and dissemination of technology and knowledge, and by raising the general awareness of environmental issues. To enhance the role of non-State actors, their participation should be allowed and encouraged in the development and implementation of international environmental instruments, and more access to information about compliance and implementation should be

provided by international and national institutions. Increased education concerning environmental issues, particularly at the local level, is also important for facilitating improved compliance and implementation.

21. In addressing the issues of compliance and implementation, the Experts Group has taken into account the results of the International Experts Workshop on Compliance with International Environmental Agreements, held in Washington, D.C. on 20 and 21 May 1996, and organized by UNEP in collaboration with the Georgetown University Law Center. The report of the Workshop is attached as Annex IV to the Final Report of the Expert Group Workshop.

III. Dispute Avoidance and Settlement

22. Dispute avoidance plays a particularly important role in international environmental law. The emphasis on dispute avoidance reflects the need to anticipate and prevent environmental problems as reflected in the precautionary principle and the principle of prevention of environmental harm. Area D of the Montevideo Programme II endorsed a strategy of developing "methods, procedures and mechanisms that promote, inter alia, informed decisions, mutual understanding and confidence-building, with a view to avoiding environmental disputes and, where such avoidance is not possible, to their peaceful settlement."

23. Increasingly important dispute avoidance and confidence-building mechanisms and procedures are: exchange of available information; the use of independent scientific and technical experts and panels; national reporting; notification and consultation procedures; prior informed consent; and transboundary environmental impact assessment. Innovative and informal measures of dispute avoidance, which frequently cost less and are more flexible, should be encouraged. By improving compliance with international obligations, the compliance and implementation mechanisms addressed in Area B of the Montevideo Programme II and in Part II above also contribute to avoiding disputes.

24. As suggested by the Montevideo Programme II, where avoidance is not possible, the peaceful settlement of disputes remains critical. Under the Charter of the United Nations, the primary mechanisms for achieving the peaceful settlement of disputes, includes "negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice." Most of the major environmental regimes now incorporate similar mechanisms from which the parties can choose that range from non-compulsory procedures (for example, negotiation, fact-finding, mediation or conciliation) to compulsory third-party procedures (arbitration or judicial settlement). These mechanisms increasingly include both dispute avoidance and dispute settlement procedures. The range of options provides important opportunities for improved management of international environmental conflicts.

25. The utilization of permanent dispute resolution mechanisms also may facilitate the settlement of international environmental disputes. In this regard, several recent developments are noteworthy, including the International Court of Justice's creation of an environmental chamber, the

establishment of the International Tribunal on the Law of the Sea, and the possible use of the Permanent Court of Arbitration. Such fora could provide new opportunities for settling environmental disputes and emphasize the necessity of ensuring the further development of a consistent body of international environmental law.

26. Intergovernmental organizations and their competent bodies, such as UNEP, may play a facilitating and assisting role in environmental dispute avoidance and settlement. Such a role can be enhanced at the request of States, through involvement of such entities in fact finding, inter alia, by providing technical expertise. United Nations organs could also consider seeking advisory opinions of the International Court of Justice on international environmental law questions of concern. Parties to environmental treaties that establish mechanisms to facilitate dispute avoidance and settlement should be encouraged to use such mechanisms. Regional organizations should particularly be encouraged to deal with issues at the regional level. Current examples of innovative approaches relating to dispute avoidance include the inquiry commissions that can be created at the request of any affected party under the UNECE Convention on Environmental Impact Assessment in a Transboundary Context and the implementation committee under the Montreal Protocol. Because prevention is to be preferred to cure, these and similar approaches should be actively promoted in the future development of international environmental law.

27. All countries concerned should have the opportunity to participate fully and effectively in dispute avoidance and settlement mechanisms. Procedures for dispute avoidance and settlement should be clear and equitable and should reflect reasonable time frames. Developing countries should be assisted in building the capacity and obtaining the resources necessary for participating fully and effectively in the preparation for, and conduct of, processes of dispute avoidance and settlement.

28. The role of non-State actors in helping to avoid and resolve disputes should also be enhanced. Non-State actors can, for example, provide technical assistance, assist in information exchange and distribution, and provide independent fact-finding. Affected persons and their representatives should also be given expanded opportunities to protect their interests in international environmental issues. In particular, in the context of regional economic integration, they should be able to access administrative and judicial proceedings in the country where the alleged harm originated without discrimination on the basis of their residence or nationality. International institutions should also ensure that affected individuals are provided objective, transparent and independent mechanisms for raising their claims. Possibilities for giving non-State actors a role in inter-State disputes before arbitration or judicial tribunals should also be considered.

IV. Concepts and Principles in International Environmental Law

29. In recent years, a variety of international environmental concepts and principles aiming at sustainable development has emerged in a number of different contexts. These concepts and principles are an important part, and product, of the development of international environmental law. They serve several functions: providing coherence and consistency to international

environmental law; guiding governments in negotiating future international instruments; providing a framework for the interpretation and application of international environmental law in specific cases; guiding the development of domestic environmental laws and policies; and assisting the integration of international environmental law with other international law fields.

30. The nature and status of specific concepts and principles in international environmental law vary. Some are just emerging and others more developed. Some may be legally binding and some may not be legally binding. Some are supported by considerable State practice, while others lack sufficient evidence of state practice. Some are clear and others require further elaboration.

31. Several widely accepted principles of international law have important relevance for the protection of the environment. Thus, for example, the duty of States to cooperate in good faith, the requirement of peaceful settlement of international disputes, the principle of sovereign equality, and the law of state responsibility are as important for international environmental law as for international law generally.

32. The following sections A-H address certain concepts and principles, be they legally binding or not, that are particularly relevant to the development of international environmental law aiming at sustainable development. In this regard, the principles in both the Stockholm and Rio Declarations and the World Charter for Nature are important. Also noteworthy are the principles identified by the 1987 World Commission on Environment and Development's legal experts group and IUCN's 1995 Draft Covenant on Environment and Development. Many of these concepts and principles have also been applied in different contexts in specific environmental treaties.

33. International consensus is emerging that the concepts and principles discussed below may be considered as core elements in the further development of international environmental law. For each principle, a starting point for elaborating the principle in the future is suggested and a description of some of its possible basic elements is presented. The following general points should be considered with respect to each of the concepts and principles:

(a) The term principle, as opposed to concept is frequently used for convenience; it is not intended to have any legal significance and is thus without prejudice to the legal status of the principle or concept.

(b) When it comes to the implementation and application of these principles to developing countries, their special needs and concerns should be taken into account.

(c) The order in which these principles is presented is not intended to have any significance as to their relative importance.

(d) These principles are interrelated and should be considered in an integrated way.

(e) Although these principles are generally addressed to subjects of international law, such as States and international organizations, actors who are not subjects of international law are increasingly important for the application and development of these principles.

A. Integration of Environmental Protection, Social Development and Economic Development

34. Sustainable development requires the integration of environment and development. Principle 4 of the Rio Declaration provides a potential starting point for the elaboration of this principle: "In order to achieve sustainable development, environmental protection shall constitute an integral part of the development process and cannot be considered in isolation from it." Paragraph 6 of the Copenhagen Declaration further clarified this point: "economic development, social development and environmental protection are interdependent and mutually reinforcing components of sustainable development, which is the framework for our efforts to achieve a higher quality of life for all people."

35. Basic elements of the principle of integration might include:

(a) Requiring that decision-making take into account the environmental, social and economic dimensions of proposed actions, so that, for example, environmental concerns are integrated into policies and activities relating to economic development and social development.

(b) Seeking, in accordance with the objective of sustainable development, to ensure the conservation and sustainable use of the world's resources and the maintenance of essential ecological processes while also seeking to eradicate poverty and to achieve sustainable economic growth and development and social justice.

(c) Recognizing the importance of long-term approaches that take into account long-term strategies and that may include the use of environmental and social impact assessment, risk analysis, cost-benefit analysis, and natural resource accounting.

(d) Recognizing that the integration of environmental, social and economic policies requires transparency and broad public participation in governmental decision-making.

B. Prevention of Environmental Harm

36. A potential starting point for elaboration of the international dimension of environmental harm is customary international law as contained in Principle 2 of the Rio Declaration and Principle 21 of the Stockholm Declaration. As for the domestic dimension of environmental harm, concepts and principles are in the process of emerging.

37. Basic elements of the principle of prevention of environmental harm might include:

(a) Recognizing that environmental protection is usually best achieved by preventing environmental harm rather than by attempting to repair or compensate for environmental damage once it has occurred.

(b) Affirming a preference for pollution prevention or waste minimization policies and approaches, including inter alia periodic pollution prevention audits, environmental impact assessments, internalization of environmental costs, life-cycle analyses, extended producer responsibility, and the enactment of effective environmental legislation.

(c) Recognizing that the principle is to be read in the light of the opinion of the International Court of Justice that "[t]he existence of the general obligation of States to ensure that activities within their jurisdiction and control respect the environment of other States or of areas beyond national control is now part of the corpus of international law relating to the environment."

C. Common Concern of Humankind

38. A potential starting point for the elaboration of the principle of common concern may be: Threats to the global environment, such as those to global climate and biodiversity, affect the common interest of humankind and therefore are subjects of its common concern.

39. Basic elements of the principle of common concern might include:

(a) Recognizing that the environment constitutes a unity, the conservation of which concerns all humankind and that transboundary and domestic environmental issues that are not or cannot be effectively managed by national or regional efforts can also give rise to common concern.

(b) Recognizing a common responsibility for and interest of humankind in the environment.

(c) Recognizing the need to strike a balance between common concern and national sovereignty.

D. Global Partnership and International Cooperation

40. A potential starting point for the elaboration of this principle is the Rio Declaration's Principle 7: "States shall cooperate in a spirit of global partnership to conserve, protect and restore the health and integrity of the Earth's ecosystem." This principle should be read in conjunction with other principles in the Rio Declaration that require international cooperation.

41. Basic elements of the principle of global partnership might to include:

(a) Recognizing the ecological interdependence of States and the need for broad cooperation to address and resolve environmental issues.

(b) Affirming the obligation of every State to cooperate in good faith also with respect to environmental and developmental issues.

(c) Recognizing the different capacities and responsibilities of different countries, thereby reflecting a close relationship to common but differentiated responsibilities.

E. Common but Differentiated Responsibilities

42. Principle 7 of the Rio Declaration provides a starting point for the elaboration of this principle: "In view of the different contributions to global environmental degradation, States have common but differentiated responsibilities. The developed countries acknowledge the responsibility that they bear in the international pursuit of sustainable development in view of the pressures their societies place on the global environment and of the technologies and financial resources they command."

43. Basic elements of the principle of common but differentiated responsibilities might include:

(a) Requiring that all States are individually and jointly responsible for protecting the environment and promoting sustainable development, but recognizing that, because of different levels of development, countries may have different capacities to respond to environmental problems.

(b) Recognizing that the differentiation of responsibilities should correlate to the degree of contribution to the specific environmental harm.

(c) Recognizing that differences in capabilities and in contributions to environmental harm should be reflected inter alia in: differential timetables for implementation of, and compliance with, international obligations; benefit sharing; international financial support; transfers of environmentally sound technologies; and international support for capacity-building.

(d) Recognizing that among the common responsibilities is a responsibility to provide collective and cooperative assistance to those countries lacking national capacity for implementation.

F. Equity Within and Among Generations

44. A potential starting point for the elaboration of the principle may be: States should meet the developmental and environmental needs of present and future generations in an equitable manner.

45. Basic elements of equity within and among generations might include:

(a) Requiring that present generations use their resources to meet their own environment and development needs in a way that protects the sustainable development of future generations.

(b) Committing to the long-term protection of the environment.

(c) Ensuring that the interests of future generations are adequately taken into account in policies and decisions relevant to development.

(d) Avoiding and, if need be, redressing disproportionate environmental harm from economic activities.

(e) Ensuring a non-discriminatory allocation of current environmental benefits.

G. Precaution

46. A potential starting point for elaborating the precautionary principle is: Where there are threats of serious or irreversible harm, lack of full scientific certainty about the cause and effects of environmental harm shall not be used as a reason for postponing measures to prevent environmental degradation.

47. Basic elements of the precautionary principle might include:

(a) Affirming a preference for anticipating environmental harm and taking measures to avoid it or to choose the least environmentally harmful activity.

(b) Recognizing that scientific certainty, to the extent it is obtainable, with regard to environment and development issues may come too late to take effective responses to environmental threats.

(c) Recognizing that where there is an identifiable risk of serious or irreversible environmental harm, including for example extinction of species, widespread toxic pollution or major threats to essential ecological processes, it may be appropriate to place the burden of proof on the proposer of the activity potentially harmful to the environment.

H. Internalization of Costs

48. A potential starting point for elaboration of the principle might be: States should take, in accordance with their capabilities, the actions necessary to ensure that users of natural resources bear the full costs, including the environmental costs, of their economic activities. Internalization of costs includes what has become known as the polluter pays principle.

49. Basic elements of the internalization of costs might include:

(a) Recognizing the need to ensure that prices for goods and services reflect the full costs, including the environmental costs, of production, as a primary mechanism for integrating environmental protection and economic activities to achieve sustainable development.

(b) Recognizing that the principle may contribute to the removal of barriers to trade by eliminating hidden subsidies and facilitating the harmonization of environmental standards.

(c) Recognizing that additional capacity building and cooperation are necessary to assist developing countries in implementing the principle consistent with their own environment and development priorities and in ways that do not adversely affect traditional or indigenous uses of natural resources.

(d) Applying implementation mechanisms, including inter alia user fees, emission taxes, elimination of subsidies, pollution standards, and environment-friendly accounting systems both at the national level and within the private sector.

V. Liability and Compensation

50. In accordance with the general principles of international law, every internationally wrongful act of a State entails its international responsibility. This equally applies in the field of international environmental law. Such responsibility would include, apart from cessation of the wrongful act and other obligations, liability for damage caused including payment of appropriate compensation. Transboundary harm caused by an act or activity which is otherwise not prohibited by international law may also entail liability.

51. Both the Stockholm and Rio Declarations have called for the further development of international law regarding liability and compensation for environmental damage. This remains a major challenge for the development of international environmental law. The draft articles developed by the International Law Commission (ILC) so far: deal with prevention; concern themselves primarily with activities bearing inherent risk of transboundary harm; place obligation of due diligence and not obligation of result upon the State; leave open the need to define operator, as opposed to State, liability for significant harm; and emphasize the need to provide fora for expeditious settlement of claims to ensure innocent victims are not left to bear the loss. In addition to already established regimes, questions concerning liability are under negotiation in various other international fora.

52. International instruments that establish procedures or otherwise facilitate the settlement of international environmental damage claims through the use of private international law or national law are increasingly important. In this regard, States should develop national law regarding liability and compensation and ensure equal rights and remedies to victims of environmental harm, including transboundary harm.

53. In addressing issues relating to liability and compensation, the outcome of the Expert Group Meeting on Liability and Compensation for Environmental Damage Arising from Military Activities, organized by UNEP in collaboration with the Foundation for International Environmental Law and Development (FIELD) during 1995-1996 has been taken into account.

VI. Priorities for Action

54. In light of the above considerations and the review of the Montevideo Programme II the following may be considered as priority areas of action in the further development of international environmental law aiming at sustainable development.

55. **Implementation of and Compliance with International Environmental Agreements**:

(a) Strengthening international institutional capacity to monitor compliance through, in particular, increasing the capacity to collect and verify data, evaluate scientific and technical information, and, in light of such data and information, make appropriate decisions.

(b) Identifying and applying new and innovative concepts, mechanisms and procedures that could enhance implementation and compliance, including, inter alia, financial mechanisms, technology transfer, economic incentives, and the role of the private sector.

(c) Enhancing technical assistance programmes for countries in need of assistance, upon their request, to strengthen their national capacity to implement and comply with international environmental obligations.

(d) Exploring regional approaches that could enhance implementation and compliance.

(e) Developing measures and procedures, such as the submission of compliance plans by a State when expressing its consent to be bound by a convention.

(f) Streamlining and consolidating reporting and monitoring requirements, taking into account considerations of financial and technical capacity.

(g) Promoting dialogues that involve local communities in improving implementation and monitoring compliance.

(h) Increasing the coordination and cooperation of convention secretariats among themselves and with other international entities, including the international financial institutions.

(i) Encouraging participation of non-State actors in implementation and compliance; promoting transparency regarding compliance; and enlisting the media in promoting public awareness about compliance.

(j) Analysing and further elaborating compliance mechanisms in the light of their successes and failures.

(k) Identifying ways in which new information technologies could potentially improve the implementation of and compliance with international environmental law.

56. **Dispute Avoidance and Settlement:**

(a) Emphasizing that implementation of and compliance with international environmental law are important for avoiding disputes.

(b) Continuing to develop and use non-adversarial, flexible and transparent dispute avoidance procedures as the preferred method of addressing international environmental problems.

(c) Achieving, when disputes can not be avoided, the peaceful settlement of disputes as required under Article 33 of the Charter of the United Nations, including through negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement in fora such as the International Court of Justice and the International Tribunal on the Law of the Sea, resort to regional agencies or arrangements, or other peaceful means of their own choice such as arbitration.

(d) Considering the application of new concepts such as global partnership and common but differentiated responsibilities to dispute avoidance and settlement systems.

(e) Taking steps to ensure that States, in particular developing countries, have the capacity to participate fully and effectively in all dispute avoidance and settlement procedures.

(f) Increasing access of affected persons, regardless of the State in which they reside, to judicial and administrative procedures involving transboundary environmental disputes.

57. **Liability and Compensation:**

(a) Developing further international law regarding responsibility, liability and compensation for significant environmental harm caused by activities within their jurisdiction or control to areas beyond their jurisdiction.

(b) Developing national law regarding liability and compensation and providing equal rights and remedies to victims of environmental harm, including transboundary harm.

58. **Concepts and Principles:**

(a) Clarifying and further refining concepts and principles of international environmental law (see in particular Section IV above) which could be useful for the further development and implementation of international environmental law.

(b) Considering, in light of the above, the importance of concepts and principles for the development of global and regional instruments in the field of the environment and sustainable development.

59. **Other Priorities for Action:**

(a) Analysing the interrelationship of international environmental law and other fields of law.

(b) Increasing UNEP's cooperation with the World Trade Organization so as to ensure that environmental concerns are fully and properly addressed and taken into account in the development of law and practice concerning trade, investment and intellectual property.

(c) Creating and strengthening mechanisms for making information relating to international environmental obligations available to non-State actors so as to make their participation in processes relating to the protection of the environment more effective.

(d) Analysing the legal requirements and consequences of the ever-growing integration of the Secretariats of different environmental conventions resulting eventually in their amalgamation.

(e) Exploring the means to enhance cooperation at the local level on transboundary environmental matters.

60. **New International Environmental Instruments:**

UNEP Governing Council decision 18/9, paragraph 5, called for a study of the need for and feasibility of new international environmental instruments. That study is attached to the Final Report of the Expert Group Workshop on International Environmental Law Aiming At Sustainable Development (UNEP/IEL/WS/3/2) as Annex II.

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Item 6 of the provisional agenda*

PROGRAMME MATTERS

Mid-term review of the Programme for the Development and Periodic Review of Environmental Law for the 1990s and further development of international environmental law aiming at sustainable development

Mid-term report on implementation of the Programme for the Development and Periodic Review of Environmental Law for the 1990s

Note by the Executive Director

The Executive Director has the honour to present for information of the Governing Council the mid-term report on implementation of the Programme for the Development and Periodic Review of Environmental Law for the 1990s prepared by the secretariat. The report presents an overview of the activities undertaken for implementation of the Programme since its adoption in May 1993 up to September 1996. The report was originally prepared for the Meeting of Senior Government Officials Expert in Environmental Law for the Mid-term Review of the Programme for the Development and Periodic Review of Environmental Law for the 1990s held in Nairobi from 2 to 6 December 1996, and was circulated to Governments in the three working languages of the Meeting, English, French and Spanish. It is reproduced in the annex to this document without further revision. The purpose of the report is also to assist the Council in reviewing the implementation of the Programme in accordance with its decision 17/25, paragraph 8.

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Annex

MID-TERM REPORT ON IMPLEMENTATION OF THE PROGRAMME FOR THE DEVELOPMENT AND PERIODIC REVIEW OF ENVIRONMENTAL LAW FOR THE 1990s (1993-1996)

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INTRODUCTION

The Programme for the Development and Periodic Review of Environmental Law for the 1990s (Montevideo Programme II) is the second long-term United Nations Environment Programme (UNEP) plan of action in the field of environmental law. It follows the completion of the first Programme for the Development and Periodic Review of Environmental Law (Montevideo Programme), which provided the basis for UNEP activities in environmental law in the previous decade. The Montevideo Programme II was developed by the Meeting of Senior Government Officials Expert in Environmental Law for the Review of the Montevideo Programme, at its sessions in Rio de Janeiro from 30 October to 2 November 1991 and in Nairobi from 7 to 11 September 1992 in Nairobi. The Governing Council of UNEP, by its decision 17/25 of 21 May 1993, adopted the Programme as the broad strategy for UNEP activities in the field of environmental law for the present decade.

The Montevideo Programme II was prepared around the time of the United Nations Conference on Environment and Development (UNCED) and the adoption of Agenda 21 in Rio de Janeiro in July 1992. The mandate emanating from the Programme is complemented by other relevant decisions, in particular those of the Commission on Sustainable Development (CSD) and subsequent sessions of the Governing Council of UNEP.

Governing Council decision 17/25 called for a mid-term review of the implementation of the Programme not later than at its regular session in 1997. This report has been prepared to provide an overview of the activities undertaken to implement the Montevideo Programme II for consideration by the Meeting of Senior Government Officials Expert in Environmental Law for the Review of the Montevideo Programme II, to be held from 2 to 6 December 1996, in Nairobi.

The major achievements under the Programme include:

(a) Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade Wild Fauna and Flora (1994), amendments to the Montreal Protocol on Substances that Deplete the Ozone Layer (1992 Copenhagen Amendment) and the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (1995 Amendment) and a new regional sea protocol (the Protocol for the Protection of the Mediterranean Sea against Pollution resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil, 1994);

(b) Planned protocol on biosafety under the Convention on Biological Diversity (CBD), as well as a protocol on liability and compensation under the Basel Convention;

(c) Global Programme of Action for the Protection of the Marine Environment from Land-based Activities (1995);

(d) New intergovernmental and interorganizational arrangements for the safe use and sound management of chemicals, the negotiation of a convention on prior informed consent (currently under way), a code of ethics, and, to be undertaken in the next phase, an instrument on persistent organic pollutants;

(e) Caspian Sea initiative, among five countries in the region;

(f) Coordination of convention secretariats (to date five meetings have been held);

(g) Legal guidance on liability and compensation for environmental damage;

(h) Workshops and papers on international environmental law aiming at sustainable development and a feasibility study (reports of which will be reviewed as part of the mid-term review of the Montevideo Programme II);

(i) Collection of information on the application of environmental norms by military establishments in implementation of UNEP Governing Council decisions 17/5 and 18/29;

(j) Legislative and other guidance on environmental impact assessment;

(k) Expanded technical assistance activities to developing countries, including an enhanced partnership with other international organizations under the UNEP/United Nations Development Programme (UNDP) Joint Project on Environmental Law and Institutions in Africa and increased emphasis on national implementation of environmental conventions;

(l) Two courses of the global training programme (1993 and 1995), as well as regional and national training measures and training-by-attachment;

(m) New partnership with the World Conservation Union (IUCN) to develop a more accessible environmental law information system; and

(n) Publication of the *Biannual Bulletin of Environmental Law* and the compendium *UNEP's New Way Forward: Environmental Law and Sustainable Development*.

The objective of this report is to explore the background for the mid-term review of the Montevideo Programme II, including the extent to which the Montevideo Programme II has been implemented, and, where appropriate, priority areas and new issues which need to be addressed in the next few years in the light of recent developments in the field of the environment and sustainable development.

It is hoped that senior government officials will review this and other relevant materials with a view to the formulation of concise recommendations for the nineteenth session of the Governing Council of UNEP on further measures to be taken during the balance of the biennium and beyond.

PROGRAMME AREAS

A. ENHANCING THE CAPACITY OF STATES TO PARTICIPATE EFFECTIVELY IN THE DEVELOPMENT AND IMPLEMENTATION OF ENVIRONMENTAL LAW

Objective:

To achieve the full participation of all States in the development and effective implementation of environmental law and policy.

Strategy:

Strengthen the capacity of States, in particular developing countries and countries with economies in transition to take measures to protect their environment, to achieve sustainable development and to participate effectively in the initiation, negotiation and implementation of international legal instruments in the field of the environment.

Status of implementation:

1. *Assistance to developing countries and countries with economies in transition with national, regional and institutional capacity-building*

UNEP provides legal capacity-building assistance, upon request, to developing countries and countries with economies in transition. The legal capacity-building programme consists in:

(a) Strengthening existing environmental legislation and institutions in developing countries and countries with economies in transition;

(b) Reviewing existing national legal and institutional regimes, and determining the requirements, policies, strategies and capabilities for strengthening such legal and institutional regimes;

(c) Forging national consensus on legislative and institutional policies for the development of national legislative and institutional regimes for environmental management for sustainable development;

(d) Formulating national legislation for general (cross-sectoral) environmental management, based on consensus reached on the nature and scope of required national legislative and institutional reforms;

(e) Reviewing existing sectoral legislation and assisting in the development of national policies and strategies for modernizing, strengthening and harmonizing such legislation and related institutions;

(f) Catalysing the mobilization of external support for the countries assisted to enable them to obtain the resources necessary for the effective implementation of the new and integrated legal and institutional regimes;

(g) Providing training, education and information in the field of environmental law;

(h) Assisting with the implementation of international environmental agreements through the review and development of national legislation; and

(i) Organizing inter-agency meetings and preparing integrated and harmonized programmes of assistance in collaboration with relevant United Nations and other agencies which also carry out assistance programmes in environmental law and institutions.

This is often a phased programme of assistance for the development of national environmental legislation and institutions in developing countries and countries with economies in transition. For many countries, full implementation, from needs assessment to the finalization of general and sectoral legislation and the setting up of operational institutions, will take many years.

Assistance in 1993 was provided to many countries, including Benin, for the review of and advice on institutional arrangements; Burundi, the Central African Republic, Sierra Leone and Trinidad and Tobago for the development of national environmental legislation; the Gambia to organize and conduct a national seminar on environmental policy framework; Kenya and Sao Tome and Principe to review environmental legislation; Jordan and the Philippines to review draft text of environmental legislation provided by the respective Governments; and Malawi, the Sudan and Zambia for needs assessment.

In 1994, assistance was provided to over 20 countries worldwide, including draft legislation for Burundi, Cambodia, Chad, Ghana, Malawi, Nigeria, Sao Tome and Principe, Sri Lanka, the Sudan, Trinidad and Tobago and Zambia; needs assessment missions to Kiribati, Lebanon, Morocco, Mozambique, Oman, Uganda and the United Republic of Tanzania; UNEP-sponsored workshops and conferences on various issues of environmental law and institutions in Kazakstan, Kenya, Lesotho, Mexico, and the United Republic of Tanzania; and inter-governmental meetings, organized with UNEP assistance, among Kenya, Uganda and the United Republic of Tanzania to discuss the environmental management of the Lake Victoria basin.

Assistance in 1995 was provided to almost 30 developing countries and countries with economies in transition. Assistance in drafting legislation was provided to Cambodia, Chad, Chile, Kiribati, Lesotho, Malawi, Mozambique, Seychelles and Sri Lanka. Reviews of legislation and institutional arrangements were undertaken in Eritrea, Kazakstan, Lebanon and Lesotho. Needs assessment missions were undertaken to Burkina Faso, Niger, Uganda and Yemen. Support to national workshops and seminars on environmental legislation was provided to Cameroon, Cuba, Kenya, Malawi, Namibia, Sao Tome and Principe, South Africa and the United Republic of Tanzania. In addition, Argentina, Bangladesh, Bolivia, Cameroon, Chile, the Congo, Morocco, Paraguay and Peru were assisted in the review of the status of ratification and implementation of multilateral environmental agreements.

In 1996, by date of publication, legal capacity-building activities have been provided to over 15 countries. Needs assessment missions have been undertaken in Bhutan, Brunei Darussalam, the Cook Islands, Maldives, Myanmar, Nepal, Tuvalu, and Western Samoa. Support to national workshops and seminars has been provided to Kiribati, Lebanon, the Sudan and Zimbabwe. Cameroon, Lebanon, Lesotho, Oman, and Sri Lanka have been assisted with the review and development of national environmental legislation. UNEP currently has requests pending from over 20 countries for initial work or further assistance.

Financial limitations have been the deciding factor in determining the amount of work that can be carried out and the extent of assistance UNEP can provide. Funding from sources other than the UNEP Environment Fund has made possible the provision of assistance to more countries than would otherwise have been possible. This includes funding from the Government of the Netherlands to support the UNEP/UNDP Joint Project on Environmental Law and Institutions in Africa, the Meeting of Senior

Government Officials Expert in Environmental Law for the Review of the Montevideo Programme II, the third course of the UNEP/United Nations Institute for Training and Research (UNITAR)/United Nations Conference on Human Settlements (UNCHS) (Habitat) Global Training Programme on Environmental Law and Policy and capacity-building activities in developing countries and countries with economies in transition. The Swedish Government has provided financial assistance for capacity-building activities in the Asia-Pacific region, and the Norwegian development agency has funded a capacity-building mission to Namibia. UNEP has also received assistance from other agencies, including UNDP, for missions to Lesotho and Cameroon, and UNITAR, towards the costs of attending a workshop on the sound management of chemicals and the implementation of prior informed consent for countries of Western and Central Africa in Ghana.

UNEP has developed cooperative arrangements with other agencies which have assisted in the implementation of many activities. These include the World Bank, the Food and Agriculture Organization of the United Nations (FAO), UNDP, UNITAR, the United Nations University (UNU), the Economic and Social Commission for Asia and the Pacific (ESCAP), the South Pacific Regional Environment Programme (SPREP), the Commonwealth Secretariat and IUCN, with whom UNEP has signed a memorandum of understanding in the area of environmental law.

2. *UNEP/UNDP Joint Project on Environmental Law and Institutions in Africa*

In 1994, the UNEP/UNDP joint project on environmental law and institutions in Africa supported by the Government of the Netherlands through a trust fund in the amount of US$ 5 million, was established at UNEP. The project is designed to assist selected African countries to formulate and enact national environmental legislation and to establish and enhance related institutional structures, with a view to improving environmental management for sustainable development. The project is administered by UNEP, but is executed jointly by UNEP and UNDP in association with the World Bank, FAO, other United Nations agencies and bodies engaged in assistance in the area of environmental law and institutions in Africa and IUCN. Assistance in the first phase is provided to Burkina Faso, Malawi, Mozambique, Sao Tome and Principe and South Africa. A subregional project has also been established for the three East African countries of Kenya, Uganda and the United Republic of Tanzania to focus on the development and harmonization of laws on selected issues of a transnational character.

Over the course of the last two years, since the project got under way, activities have commenced in most of the first phase countries. Thus, in Malawi, a 1995 Environment Management Bill was prepared with the assistance of UNEP under its technical assistance programme and a national consultative workshop on the bill was held in June 1995. The bill was approved by Parliament in June 1996 and has since become law. A legal officer from the Malawi Government participated in the UNEP training-by-attachment programme during May 1996. As part of the training programme, he visited relevant agencies in Geneva, including environmental convention secretariats.

A National Steering Committee has been constituted in Mozambique to give policy guidance and to supervise the implementation of the project in the country. It is chaired by the Minister of Coordination of Environmental Affairs. In the meantime, a draft framework environmental bill has been approved by the Cabinet and will be discussed in Parliament soon. Environmental impact assessment (EIA) regulations have been drafted by the national task force with UNEP assistance as part of the project. A lawyer from the Mozambique Ministry of Coordination of Environmental Affairs attended the UNEP training-by-attachment programme in August 1995 and another lawyer will undergo similar training in September 1996.

In Sao Tome and Principe, a joint UNEP/IUCN mission was undertaken in May 1995, and a draft environmental bill was discussed at a national consultative workshop, in which UNEP and IUCN participated. The draft bill is undergoing further refinement and is expected to be completed by

September 1996. At the same time, two national experts have been working with an international consultant on the review of national environmental laws. Their report will be discussed at a national workshop, where the priority sectors for drafting laws and implementing regulations will be selected. The workshop is scheduled for late 1996.

In South Africa, a workshop, held on 2 and 3 February 1996 in Pietermaritzburg, reviewed the South African draft constitution from an environmental point of view and came up with recommendations on environmental matters to the Constitutional Assembly. National teams are working on a national environmental policy to be completed in about December 1996, which should be followed by consideration of legislative matters. The project participated in the Pietermartizburg workshop and provided comments on the draft policy papers.

In the case of the Lake Victoria basin, a request came from three Governments, Kenya, Uganda and the United Republic of Tanzania to assist with the preparation of national framework environmental laws and legal regimes for the management of the resources of Lake Victoria. The Kenya draft framework environmental bill was the subject of a national consensus-building seminar in September 1995, and will be presented to Parliament in the near future. A mechanism is currently being established to assist with the development of a framework environmental law for the United Republic of Tanzania. Uganda adopted a Framework Environmental Statute in May 1995. On 5 August 1994, the Agreement on the Preparation of a Tripartite Environmental Management Programme for Lake Victoria was signed by the three Governments. The Agreement stipulates that the Parties agree to initiate and implement a five-year programme to strengthen regional coordination in the management of Lake Victoria resources, including fisheries, water and other resources. The Agreement also deals with organizational arrangements, particularly the establishment of a regional policy and steering committee to be assisted by two regional task forces, one dealing with fisheries management and control of water hyacinth and the other with management of water quality and land use, including wetlands. A national seminar was held in February 1996, at which the issues of environmental impact assessment, environmental standards, wildlife, forestry, the transboundary movement of hazardous wastes, and the environmental management of Lake Victoria were selected as initial priority areas under the subregional project. National coordinating committees responsible for the implementation of the subregional project have been established in each of the three countries. They are finalizing the selection of national consultants and actual implementation is expected to start in September 1996.

A seminar for judges and magistrates on environmental litigation is being organized under the project and will be held from 28 October to 4 November 1996. The seminar will be in French and English. Another seminar is also planned to assist East African countries with establishing a common methodology for the development of environmental standards. Twenty participants from Kenya, Malawi, Mozambique, Uganda and the United Republic of Tanzania are expected to attend.

3. *Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora*

The Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora is the first regional agreement on enforcement measures to counter illegal trade in wildlife in Africa, and the first multilateral agreement of its kind to be signed by the new South African Government. The objective of the Agreement is "to reduce and ultimately eliminate illegal trade in wild fauna and flora and to establish a permanent Task Force for this purpose". The Task Force is to be composed of seconded law enforcement officers from each of the Parties. It will have powers to facilitate cooperative activities among the Parties in carrying out investigations of instances of illegal trade and of violations of national laws, the collection, processing and dissemination of information on

illegal trade activities, including establishing and maintaining a database, and the provision to the Parties, upon request, of available information on the return of confiscated wild flora and fauna to the country of original export or country of re-export.

UNEP played a leading role in furthering the development of the Lusaka Agreement. UNEP staff attended the second meeting of the working group in June 1993, convened to review the draft Lusaka Agreement. The revised draft was presented at a UNEP Conference between the Rhinoceros Range States, Consumer States and Donors on Financing the Conservation of the Rhinoceros, held in Nairobi in July 1993. By a resolution adopted by the Conference, UNEP was asked to undertake a coordinating role in finalizing the draft text of the Lusaka Agreement. A Lusaka Agreement coordinating secretariat was established at UNEP, and three expert group meetings were held in 1994, during which the final draft text was produced. The final text was formally adopted at the final round of negotiations hosted by the Government of Zambia in cooperation with UNEP, in September 1994. UNEP was invited by the Meeting of Ministers for the Adoption and Signature of the Agreed Text of the Lusaka Agreement to continue the coordinating role by providing interim arrangements prior to and for the first meeting of the Governing Council and to facilitate the early ratification and entry into force of the Agreement. In liaison with the Organization of African Unity, UNEP was also requested to encourage and assist African States to become Parties to the Agreement.

UNEP, in collaboration with the Government of the United Republic of Tanzania, hosted a wildlife law enforcement seminar in DaresSalaam from 24 to 28 July 1995. The seminar brought together national law enforcement officers from the signatory and acceding Governments to the Lusaka Agreement in order, *inter alia*, to prepare the necessary groundwork for the establishment of the Task Force during the first meeting of the Governing Council. Arising from the recommendations of the seminar, a meeting was convened in Pretoria, South Africa, from 23 to 28 October 1995, to draft the terms of reference and operational rules of the Task Force. The meeting concluded with preliminary draft rules, which have been forwarded to the signatory and acceding Governments for their review and comments.

UNEP participated in a Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) regional training seminar from 4 to 8 March 1996 in Arusha, United Republic of Tanzania, and submitted a paper on the Agreement for distribution at the conference on "International Wildlife Law: Preserving Biodiversity in the 21st Century", held in Washington, D.C., on 26 March 1996. A presentation on the Lusaka Agreement was also made at the third meeting of the East African subregional project under the Joint Project on Environmental Law and Institutions in Africa from 19 to 23 February 1996. At this meeting, government representatives were guided in the preparation of terms of reference for the development and harmonization of wildlife laws of the three East African countries, with the incorporation of the provisions of major biological diversity-related international agreements, including the Lusaka Agreement.

The Executive Director of UNEP has agreed to provide the interim arrangements necessary for implementation of the Lusaka Agreement and for the first session of its Governing Council. UNEP is preparing a compilation of offers to host the Task Force secretariat; drafting the headquarters agreement; reviewing an initial budget to establish and operate the Task Force and to determine the contribution of each Party to the budget; and drafting financial rules and regulations as well as draft terms and conditions of service of Task Force officers and support staff. Before the first Governing Council meeting, an Expert Group Meeting will be convened to assist the Executive Director of UNEP to finalize the documents for consideration and adoption by the first Governing Council. Furthermore, the Executive Director has been in close contact with donor countries, seeking support for the establishment of the Task Force. Financial support has been received from the Governments of the Netherlands and the United Kingdom, and material and technical support is expected from the Friends of Animals USA and the Government of Israel.

The Lusaka Agreement has been signed by seven countries: Ethiopia, Kenya, South Africa, Swaziland, Uganda, United Republic of Tanzania and Zambia, and is open for accession by any African State. Three Governments, namely, Lesotho, Uganda and Zambia have ratified or acceded to the Lusaka Agreement. The Lusaka Agreement will enter into force on the sixtieth day after deposit of the fourth instrument of ratification or accession. The first Governing Council is to be convened by the Executive Director of UNEP three months after its entry into force.

4. *Latin America and the Caribbean*

In the Latin America and the Caribbean region, UNEP is initiating technical assistance to Chile, Paraguay, Peru and Uruguay for the preparation of a legislative framework for the implementation of the Convention on Biological Diversity. In addition, the assistance has been provided to Bolivia in the preparation of a law for the implementation of the Convention. In 1995, UNEP assisted in organizing a workshop on legislation for the implementation of the national environment and development programme of Cuba. Under a project of the Inter-American Development Bank, UNEP, working together with the Central American Commission on Environment and Development (CCAD), will assist in strengthening the environmental legal system in Central America. UNEP will continue to provide advisory services to the Central American Inter-parliamentary Commission on Environment and Development, with regard to its functions as the coordinating body of the Central American environmental legislation commissions, as well as assisting the Latin American Parliament (PARLATINO) Environment Commission at its meetings and in the preparation of draft laws on matters of interest to the Commission.

5. *Financial Assistance*

UNEP also provides financial assistance to participants from developing countries and countries with economies in transition to participate in intergovernmental negotiating committees, such as for the development of a legally binding instrument on prior informed consent (PIC), or the various meetings to develop the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities. For example, 75 participants were provided with financial support to attend the Intergovernmental Conference to Adopt a Global Programme of Action for the Protection of the Marine Environment from Land-based Activities, held in Washington, D.C., from 23 October to 3 November 1995.

6. *Training and Education*

UNEP has also provided training and education to over 200 individuals through its training-by-attachment programme, internships, and global, regional and national training courses. The training courses cover issues in both national and international environmental law. UNEP also produces various publications on environmental law. Further details of these may be found below, under Programme Area G: Environmental awareness, education, information and public participation.

B. IMPLEMENTATION OF INTERNATIONAL LEGAL INSTRUMENTS IN THE FIELD OF THE ENVIRONMENT

Objective:

To promote the effective implementation of international legal instruments in the field of the environment, in order to achieve their objectives.

Strategy:

Focus on the effective implementation of instruments by, *inter alia*, assisting the States concerned in considering the establishment of systems of reporting and verification, taking into account the special situation and needs of developing countries.

Status of implementation:

UNEP administers secretariats for six global environmental agreements: CITES; the Convention on the Conservation of Migratory Species of Wild Animals (CMS); the Basel Convention on the Transboundary Movement of Hazardous Wastes and their Disposal; the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer; and the Convention on Biological Diversity (CBD). UNEP is also secretariat for some of the Regional Seas conventions and for the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities. Finally, UNEP serves as interim secretariat for the Lusaka Agreement. UNEP provides administrative, financial and programme support to these convention secretariats to assist with the implementation of the conventions.

1. *Enhancing implementation through the coordination of convention secretariats*

In 1994, UNEP began to convene regular meetings of the UNEP-administered convention secretariats listed above. Other secretariats often attend and are represented by observers, including: the Secretariat of the United Nations Framework Convention on Climate Change; the Secretariat of the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa, the Secretariat of the Convention concerning the Protection of the World Cultural and Natural Heritage; and the Bureau of the Convention on Wetlands of International Importance Especially as Waterfowl Habitat (Ramsar Convention).

In March 1994 in Geneva, Switzerland, UNEP convened the first meeting on coordination of secretariats of environmental conventions. At the meeting a number of issues of common interest to the secretariats were discussed, as well as areas where joint activities could be considered, such as concepts and mechanisms for implementation of the conventions, and trade-related provisions of environmental conventions. Also discussed were modalities for coordination among convention secretariats aimed at the effective implementation of the respective conventions.

The second meeting on coordination of secretariats of environmental conventions was convened by the Executive Director of UNEP in Nairobi from 14 to 16 May 1995. The meeting reaffirmed the importance of cooperation between and among all convention secretariats and international organizations focusing on environmental matters and noted that UNEP would facilitate such cooperation by, *inter alia*, coordinating UNEP programmes with those of all convention secretariats. UNEP prepared and presented papers on the substantive and programmatic relationships between UNEP and the conventions, activities to strengthen the coordination among convention secretariats and UNEP in the area of information

exchange, host Government agreements, and the institutional host relationship, and preliminary discussion papers on trade- related mechanisms and on implementation and compliance mechanisms within UNEP-administered conventions.

A third meeting on coordination of secretariats of environmental conventions was held in Geneva from 3 to 5 July 1995 to focus on the development of UNEP work plans in support of the conventions and the activities of the convention secretariats. Discussions centered on the substantive and programmatic relationships between UNEP and the convention secretariats, including regular secretariat consultations, assessment and information exchange, environmental law and policy, and public information and awareness and regional initiatives. Also discussed was the institutional host relationship, in particular, the delegation of authority to convention secretariats and the related rules, as well as convention funding and personnel arrangements.

On 10 and 11 January 1996, a fourth meeting on coordination of secretariats of environmental conventions was held in Geneva. Papers were presented and discussed, covering a variety of issues of interest, including: the relationship between the Executive Director of UNEP and the conventions regarding the administration of their secretariats; the negotiation of host government agreements; strengthening compliance with, and implementation of, environmental conventions; and trade measures in environmental agreements. Also discussed at the meeting were such issues as the UNEP programme of work for 1996-1997, the results of the Intergovernmental Conference to Adopt a Global Programme of Action for the Protection of the Marine Environment from Land-based Activities and follow-up activities of UNEP in implementing the Global Programme of Action adopted at that conference.

A fifth meeting on coordination of secretariats of environmental conventions was held in Geneva on 4 to 5 June 1996. On the first day of the meeting various issues regarding UNEP administration of the conventions were discussed. On the second day, attended by representatives of other conventions, such as the Framework Convention on Climate Change and the Convention to Combat Desertification, discussions centered on the UNEP programme of work for 1996-1997, the results of the fourth meeting of CSD (18 April-3 May 1996), a status report on implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities, an update of the Empirical Study of Trade Measures in Multilateral Environmental Agreements, progress in the negotiation of an instrument on prior informed consent (PIC) and discussions on measures to reduce persistent organic pollutants (POPs), a proposal for legal capacity building to be undertaken jointly by UNEP and the convention secretariats, and the convening of an open-ended intergovernmental workshop on cooperation between CBD and other international conventions on related issues.

On 13 and 14 May 1996, UNEP held an inter-secretariat consultation on implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities attended by representatives of eight regional seas programmes. Further details may be found below, under Programme Area O: Marine pollution from land-based activities.

2. *International expert workshops on the implementation of and compliance with environmental conventions*

UNEP, in cooperation with the Georgetown University Law Center, in Washington, D.C., held an international expert workshop on the implementation of and compliance with environmental conventions on 20 and 21 May 1996, to contribute to and promote the effective implementation of and compliance with international environmental conventions. The meeting discussed means of improving implementation, *inter alia*, through effective reporting and verification mechanisms and the need to develop other appropriate procedures and mechanisms to promote implementation and compliance. The report from the implementation and compliance workshop will also provide an input to the UNEP

position paper for international environmental law aiming at sustainable development, being prepared pursuant to Governing Council decision 18/9. Further details on the position paper may be found below, under Programme Area H: Concepts or principles significant for the future of environmental law.

3. *Study on implementation of and compliance with UNEP-administered conventions in selected African countries*

In 1995, a study was sponsored by UNEP, in close cooperation with the convention secretariats, to make a comparative analysis of the national implementation of UNEP-administered conventions in selected African countries, namely: Egypt, Kenya, Senegal, Seychelles and South Africa. The study identified constraints and impediments affecting the effective participation of African countries in the implementation of the conventions. The need for adequate public information and human resource development was highlighted as an important requirement for adequate implementation.

4. *International conference on strengthening the application of international environmental law*

UNEP presented a paper entitled "UNEP and the progressive development of international environmental law" at the international conference on strengthening the application of international environmental law held in Paris, on 18 and 19 March 1996. The conference was cosponsored by UNEP, the United Nations Educational, Social and Cultural Organization (UNESCO), the French Ministries of the Environment and Foreign Affairs and *Environnement Sans Frontières*. UNEP also provided consultative assistance in the elaboration of the resulting document, containing recommendations by non-governmental organizations.

5. *Assistance to countries*

As noted above, UNEP has been providing assistance to developing countries and countries with economies in transition in the implementation of and compliance with international environmental agreements. Assistance has been provided to Argentina, Bolivia, Bangladesh, Cameroon, Chile, Congo, Morocco, Paraguay and Peru. UNEP cooperated with the Basel Convention Secretariat to provide assistance to Bangladesh in the preparation of hazardous waste legislation, and the Convention Secretariat has expressed an interest in furthering this cooperative effort to provide assistance to African countries. At the fifth meeting on coordination of environmental convention secretariats, a proposal was presented on legal capacity-building activities to be undertaken jointly by UNEP and the convention secretariats.

A workshop was held in Nairobi, Kenya, from 6 to 8 March 1995 by UNEP under the auspices of the African Ministerial Conference on the Environment (AMCEN) on Africa's participation in multilateral environmental agreements. The objective was to review Africa's participation in those agreements and to underline to government representatives the benefits and obligations arising from participation.

6. *Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal*

Information o this area may be found below under Programme Area L: Transport, handling and disposal of toxic and dangerous wastes.

7. *Convention on Biological Diversity (CBD)*

This Convention was opened for signature during the United Nations Conference on Environment and Development (UNCED), held in June 1992 in Rio de Janeiro, and entered into force on 29 December 1993. The Convention aims at conserving biological diversity, the sustainable use of its components, and the fair and equitable sharing of the benefits arising from the use of genetic resources. As of 16 July 1996, the Depositary of the Convention had received 152 instruments of ratification, accession, acceptance or approval.

To contribute to the early implementation of CBD, UNEP convened four expert panels between December 1992 and March 1993 to advise the Executive Director on preparing the work of the Intergovernmental Committee on CBD. The first meeting of the Conference of the Parties to CBD took place in Nassau, the Bahamas, from 29 November to 9 December 1994. The Global Environment Facility (GEF) was selected to continue to serve as the institutional structure to operate the financial mechanism under the Convention on an interim basis. UNEP was selected to provide the permanent Secretariat for the Convention with the Secretariat to be located in Montreal, Canada.

The second meeting of the Conference of the Parties was held in Jakarta, Indonesia, from 6 to 17 November 1995. By the decision of that meeting, the Secretariat was requested, *inter alia*, to liaise with the World Trade Organization (WTO) with regard to the development of a report to the third meeting of the Conference of the Parties on the relationship between the objectives of the Convention and the Agreement on the Trade-related Aspects of Intellectual Property Rights (TRIPs). The Secretariat was also asked to compile the views of Parties on possible options for developing national legislative, administrative or policy measures to implement Article 15 of the Convention. The Secretariat has made efforts to survey measures taken by Governments to implement Article 15 of the Convention, including any national interpretations of key terms used in that Article.

Details on the development of a protocol on biosafety may also be found below, under Programme Area S: Additional subjects for possible consideration during the present decade: use and management of biotechnology, including question of intellectual and property rights with respect to genetic resources.

8. *Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)*

CITES was adopted on 3 March 1973, and entered into force on 1 July 1975. CITES has established a worldwide system of controls on international trade in endangered wild fauna and flora and specimens derived from them. Trade in these species must be authorized and is restricted by government-issued permits or certificates. The aim is to ensure that trade in such species is regulated and monitored to ensure their sustainability. As of 26 August 1996, the Depositary of the Convention had received 132 instruments of ratification, accession, acceptance or approval.

In 1993 the CITES Secretariat, with the assistance of the IUCN Environmental Law Centre, published the *Guidelines for Legislation to Implement CITES* in order to assist Parties in enacting legislation for adequate implementation of the Convention. The CITES Secretariat, in 1995, undertook to analyse national legislation of Parties to CITES. The CITES Secretariat prepared, for consideration by the ninth meeting of the Conference of the Parties (Fort Lauderdale, United States of America, November 1994), a review of alleged infractions and other problems in the implementation of the Convention, with a view to increasing its effectiveness.

In order to improve the implementation and enforcement of the Convention, the CITES Secretariat has developed its training activities in two areas: organization of training seminars, with priority given to regional seminars, and preparation of training materials. Eight training seminars were carried out in 1995, three in Asia, two in South and Central America and the Caribbean, two in Europe and one in North America. About 380 people participated in these seminars. The seminars have enabled officials to improve their ability to implement CITES by understanding the requirements and procedures of CITES, and to deal with the most difficult enforcement problems and develop international cooperation.

Over the years, the CITES Secretariat has developed a couple of hundred overhead transparencies for training in identification in wildlife specimens.

Reference should also be made in the context to the Lusaka Agreement described in detail in section 3 under Programme Area A: Enhancing the capacity of states to participate effectively in the development and implementation of environmental law.

9. *Convention on the Conservation of Migratory Species of Wild Animals (CMS)*

CMS was adopted on 23 June 1979 and entered into force on 1 November 1983. The Convention provides a framework for the conservation of migratory species and their habitats by adopting strict protection measures for migratory species or their separate populations that have been categorized as endangered (listed in Appendix I of the Convention); concluding international agreements for the conservation and management of migratory species or their separate populations that have an unfavorable conservation status or would significantly benefit from international cooperation (Appendix II to the Convention); and undertaking joint research or coordinated management activities.

At the Fourth Meeting of the Conference of the Parties to CMS, from 7 to 11 June 1994, in Nairobi, Kenya, the Conference of the Parties had the opportunity to consider a preliminary assessment of the Convention's implementation, based on information submitted by Parties in their national reports. While the review demonstrated an apparent lack of information on Appendix I species, it revealed a wide range of conservation activities undertaken at the national level for species listed in Appendix II. The extent of research, monitoring and survey work was particularly noteworthy. The Conference of the Parties endorsed the Secretariat's efforts to establish a database compiling information received from Parties and other sources. The Conference of the Parties also formally adopted a revised standard format for Party reports aimed at streamlining the communication and integration of relevant information.

10. *Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora*

UNEP has also been active in supporting the early implementation of the Lusaka Agreement, explained in detail in section 3 under Programme Area A: Enhancing the capacity of states to participate effectively in the development and implementation of environmental law, above.

11. *Ozone instruments: Vienna Convention for the Protection of the Ozone Layer and Montreal Protocol on Substances that Deplete the Ozone Layer*

Details of these instruments can be found below, under Programme Area I: Protection of the stratospheric ozone layer.

C. ADEQUACY OF EXISTING INTERNATIONAL INSTRUMENTS

Objective:

To encourage Parties to international environmental instruments to assess the adequacy of the operation of those instruments with regard to the particular problems they address and for the purpose of better integrating environmental and developmental concerns.

Strategy:

Encourage the States concerned to establish appropriate systems for ascertaining the adequacy of international environmental instruments in effectively responding to the problems they address, even when fully or adequately complied with, and develop additional measures to ensure effective responses to related environmental problems.

Status of implementation:

1. *Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal*

Details on his instrument may be found below, under Programme Area L: Transport, handling and disposal of toxic and dangerous wastes.

2. *Convention on the Conservation of Migratory Species of Wild Animals (CMS)*

At the fourth meeting of the Conference of the Parties held from 7 to 11 June 1994, a paper prepared by the CMS Secretariat was presented, entitled "Strategy for the Future Development of the Convention". The paper reviews the past performance of the Convention and makes recommendations aimed at improving its effectiveness in several key areas, particularly with respect to geographic and taxonomic coverage, implementation measures, CMS agreements, institutional arrangements and promotion of the aims of the Convention. The Conference of the Parties accepted the Strategy and identified 25 specific objectives and activities as the first priorities for the 1995-1997 triennium.

The Conference of the Parties also considered an expert report, entitled "Elements for the formulation of guidelines for the harmonization of future agreements", prepared by IUCN. The elements contained in the report are to be taken into account in the elaboration of further CMS Agreements and a proposal on the report is to be submitted to the fifth Conference of the Parties. Under CMS, numerous Agreements have been developed. These include the Agreement on the Conservation of Bats in Europe, the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas, the Agreement on the Conservation of Seals in the Wadden Sea and the African-Eurasian Migratory Waterbird Agreement. The Memoranda of understanding have been developed concerning conservation measures for the Siberian crane and for the Slender-billed curlew. Efforts have continued on the development of agreements on the conservation of cetaceans of the Black Sea, Mediterranean and contiguous Atlantic area; the Houbaba Bustard; the Great bustard in central Europe and migratory waterbirds of the Asia-Pacific region. Consideration has been given to the possible development of agreements concerning marine turtles, Sahelo-Saharan mammals, waterbirds of the Americas and seabirds (globai). The agreements are intended to coordinate actions for Appendix II species on species and habitat conservation measures, management plans, research and monitoring and public education and awareness.

3. *Ozone Instruments: Vienna Convention for the Protection of the Ozone Layer and Montreal Protocol on Substances that Deplete the Ozone Layer*

Refer to Programme Area I: Protection of the stratospheric ozone layer.

4. *Empirical study on trade measures in multilateral environmental agreements*

UNEP, in collaboration with the United Nations Conference on Trade and Development (UNCTAD) and with the cooperation of the CITES, Basel and Ozone Secretariats, is undertaking an empirical study on trade measures in multilateral environmental agreements. This is discussed at length under Programme Area S: Additional subjects for possible consideration during the coming decade: Environment and trade.

D. DISPUTE AVOIDANCE AND SETTLEMENT

Objective:

To develop further the mechanisms to facilitate the avoidance and settlement of environmental disputes.

Strategy:

Develop methods, procedures and mechanisms that promote, *inter alia*, informed decisions, mutual understanding and confidence-building, with a view to avoiding environmental disputes and, where such avoidance is not possible, to their peaceful settlement.

Status of implementation:

1. *Study on environmental dispute avoidance and settlement*

UNEP has commissioned a study on environmental dispute avoidance and settlement, in cooperation with the Austrian Institute of International Law and the Faculty of Law at the Jawaharlal Nehru University, India. The study is currently being developed. It will also serve as a component of the development of the position paper for international environmental law aiming at sustainable development, explained in detail under Programme Area H: Concepts or principles significant for the future of environmental law.

2. *Multilateral Working Groups*

UNEP is involved in the multilateral negotiations of the Middle East peace process, particularly in the Multilateral Working Group on Environment and as leader of the Multilateral Working Group on Water Resources. A training course on project design and appraisal tools for integrated environmental and economic assessment was held from 4 to 8 December 1995, in Nairobi, Kenya, as part of the work of the Multilateral Working Group on Water Resources.

UNEP is also actively participating in the Group of 20, an interagency coordination group established to promote the sustainable social and economic development of the Palestinian people, which is essential to ensure the success of the peace process in the Middle East.

3. *Special Initiative on Africa*

Details of this are contained under Programme Area N: Environmental protection and integrated management, development and use of inland water resources, below.

E. LEGAL AND ADMINISTRATIVE MECHANISMS FOR THE PREVENTION AND REDRESS OF POLLUTION AND OTHER ENVIRONMENTAL DAMAGE

Objectives:

To assist States in developing and implementing programmes of action for the prevention and redress of pollution and other environmental damage.

Strategies:

Promote the development of legal and administrative measures to facilitate access to information on, and effective identification, control and management of, potentially harmful activities prior to their commencement and during their continuance, and to ensure the availability of appropriate redress for environmental damage.

Status of implementation:

1. *Liability and compensation for environmental damage resulting from military activities*

UNEP, in close cooperation with the London-based Foundation for International Environmental Law and Development (FIELD), has initiated a project focused on defining environmental damage caused by military activities. The need for such an undertaking arose when the United Nations Compensation Commission (UNCC) was established in April 1991 by United Nations Security Council resolution 687 (1991) to hear claims of environmental damage and depletion of natural resources caused by military activities. The resolution provided limited guidance to the Commission as to how compensation is to be assessed. In 1994, UNEP embarked upon the study with the aim of providing a practical contribution to the work of the UNCC and other relevant United Nations bodies, while at the same time further developing the law in this area.

A working group of international experts in the field was convened from 27 February to 2 March 1995 to begin deliberations on the issue. The meeting reviewed the major topics of consideration, including the threshold and quantum of compensation, the work of UNCC, the international legal context and applicable law, the definition of "environmental damages" and "depletion of and damage to natural resources", and the interest of States and international organizations in bringing a claim. A second meeting was held from 13 to 15 September 1995. Short background notes on specific aspects of liability and compensation were prepared by several members of the Working Group and a comparative study on the valuation of environmental damage was prepared with the assistance of FIELD. The third and final meeting of the Working Group was held in London from 14 to 17 May 1996. At this meeting the draft report was discussed. The report was finalized in June 1996 and distributed to the meeting of UNCC in July 1996. The report will also be distributed at the nineteenth session of the Governing Council of UNEP as an information document.

2. *Seminar on Liability for Environmental Damage*

In cooperation with the Inter-American University of Puerto Rico and the Puerto Rican Conservation Trust, UNEP organized a seminar on liability for environmental damage, from 25 to 27 October 1995. The seminar included participants from Argentina, Brazil, Canada, Colombia, Costa Rica, Mexico, Paraguay, Peru, Puerto Rico, the United States of America and Venezuela. The main purpose of the seminar was to exchange ideas among experts in the field of civil, penal and administrative liability for environmental damage, with a view to preparing a publication that would disseminate their experience in the field and contribute to improving the respective legal systems, particularly in the countries of Latin America and the Caribbean.

F. ENVIRONMENTAL IMPACT ASSESSMENT

Objectives:

To promote the widespread use of environmental impact assessment (EIA) procedures by Governments and, where appropriate, international organizations as an essential element in development planning and for assessing the effects of potentially harmful activities on the environment.

Strategies:

Encourage the utilization of EIA as an essential tool for development planning and promotion of the concept of sustainable development.

Status of implementation:

1. *Development of a model framework law, guidelines and national legislation*

UNEP has been compiling existing examples of national EIA legislative provisions, and work has begun on drafting a model law. A UNEP compendium of indexed texts of environmental impact assessment legislation in developing countries and countries with economies in transition will be published when funding comes available. Discussions have been held on coordinating the development of legislative guidance with IUCN, which has taken initial steps to develop a legal manual on EIA.

The UNEP Regional Office for Latin America and the Caribbean (ROLAC), as designated secretariat of the Latin American Parliament (PARLATINO) Standing Commission on Environment, was requested to prepare a model law on EIA. The draft, which contains sample articles and commentary, was examined and approved by the Meeting of the PARLATINO Environmental Commission held in Havana, Cuba, from 21 to 24 November 1995.

UNEP has provided assistance to a number of countries related to the development of specific EIA legislation, or with framework legislation which often contains an EIA component, including Cambodia, Chile, Lebanon, Mozambique, Namibia, Nigeria, Oman, Pakistan, Yemen and Zambia. Full details of the UNEP capacity-building programme in the field of environmental law and institutions may be found under in Programme Area A: Enhancing the capacity of states to participate effectively in the development and implementation of environmental law, above.

UNEP, in close consultation with the Organisation for Economic Cooperation and Development (OECD), convened a consultative expert group meeting to develop the UNEP EIA programme. As a follow-up to the meeting, UNEP collaborated with the Commonwealth Secretariat and EarthCare Africa to convene a subregional workshop for EIA practitioners from central and eastern African countries, held in Zambia in March 1994. The workshop, *inter alia*, provided the basis for the preparation of an EIA framework for Africa. In July 1994, in Nairobi, UNEP with EarthCare Africa organized a working group to draft an EIA framework for Africa. In December 1995, in Gabon, a seminar on EIA was organized for west and north African countries to facilitate the formulation of a general framework for EIA methodologies suited to these countries.

2. *Training and capacity-building programmes*

UNEP has also organized several training and capacity-building programmes to promote the use of EIA. A seminar on EIA of development projects was held in collaboration with the Islamic Development Bank from 29 May to 2 June 1994, in Amman, Jordan. In September 1994, a workshop on EIA with particular focus on international cooperation was held to provide a forum for EIA practitioners from all parts of the world to exchange experience in the application of EIA. Two further training workshops were convened, one in Kathmandu, Nepal, in December 1994 and the other in Japan in September 1995 focusing on the assessment of training needs in the Asian region and the development of curricula, training materials and country case studies on EIA. UNEP cosponsored the 1995 conference of the International Association for Impact Assessment (IAIA). An African high-level ministerial meeting on EIA was organized in conjunction with the conference. In June 1996, a training workshop on EIA was held in Estoril, Portugal, during the sixteenth Annual Meeting of IAIA. In addition, a regional workshop was organized in collaboration with IUCN for EIA practitioners in Central America in November 1995. In January 1996, again in collaboration with IUCN, a three-day EIA training course was held in Peru.

The first and second courses of the UNEP/UNITAR/UNCHS (Habitat) Global Training Programmes on Environmental Law and Policy, held from 29 November to 17 December 1993 and from 27 March to 13 April 1995 respectively, each contained a component on EIA. Approximately 30 senior and middle-level government officials working in the area of environmental law attended each of the training programmes. More information on the UNEP environmental law training programmes is provided under Programme Area G: Environmental awareness, education, information and public participation, below.

UNEP plans to bring out a publication on EIA, to be entitled *Sourcebook of Environmental Impact Assessment*, which will direct users to sources of information on EIA and provide a selected bibliography on the subject. UNEP also plans to issue an EIA training resource manual and a publication on EIA issues, trends and practice.

G. ENVIRONMENTAL AWARENESS, EDUCATION, INFORMATION AND PUBLIC PARTICIPATION

Objective:

To promote public awareness of international environmental issues and regimes through education, provision of information and greater public participation in the consideration of international environmental regimes and the development of national laws, rules and standards.

Strategy:

Adopt and actively pursue public-awareness programmes relating to environmental issues and the development and implementation of international and national regimes concerning the environment and associated institutional mechanisms, in cooperation, wherever appropriate, with other bodies, including governmental and non-governmental organizations and educational institutions.

Status of implementation:

1. *Publications*

Increased awareness of environmental law and its role in sustainable development is likely to contribute to the further development of national legislation, promote better compliance with legislative requirements, and enhance effective participation in international negotiations. To this end, UNEP is producing a number of publications dealing with a variety of issues in environmental law.

The following publications have already been issued:

(a) The *Register of International Treaties and Other Agreements in the Field of the Environment* was issued in 1993, the latest version in a series issued since 1977. This work was praised in Governing Council decision 18/25 and the Executive Director was requested to continue regular publication of the Register and to consider the possibility of updating and disseminating it more frequently. A revised version is currently under production;

(b) The *Directory of Principal Governmental Bodies Dealing with the Environment* was updated and published in 1993;

(c) *UNEP's New Way Forward: Environmental Law and Sustainable Development* was issued in October 1995, in commemoration of the fiftieth anniversary of the United Nations. In July 1996, a Chinese version of the book, translated in cooperation with the National Environmental Protection Agency of China, was launched by the Executive Director of UNEP at the Fourth Chinese National Conference on Environment;

(d) The *Arabic Compendium of International Environmental Law* was also published in 1995;

(e) The *Biannual Bulletin of Environmental Law* has been issued twice annually since July 1994. The Bulletin gives details of major activities of UNEP in the legal and institutional fields, covering such issues as international legal instruments; national legislation and institutions; environmental training, education and information; and news from the convention secretariats;

(f) UNEP also publishes the quarterly *Industry and Environment*, which, in the issue volume 9, No. 1, dealt with the topic of industry compliance - in particular, industry responses to environmental laws and regulations, developments in compliance and enforcement, building national compliance programmes, and integrated multimedia pollution control;

(g) In July 1995, UNEP produced *Legislating Chemicals: An Overview*. This booklet has also been translated into Russian;

(h) In July 1996, the Ozone Secretariat published the revised *Handbook for the International Treaties for the Protection of the Ozone Layer*, which contains, among other things, the text of the treaties, with a summary of the control measures for ozone-depleting substances under the Montreal Protocol;

(i) The Basel Secretariat issued two publications: in December 1995, a manual entitled *Guidance in Developing National and/or Regional Strategies for the Environmentally Sound Management of Hazardous Wastes* and, in January 1996, the *Revised Model National Legislation on the Management of Hazardous Wastes as well as on the Control of Transboundary Movements of Hazardous Wastes and their Disposal*;

(j) In 1995 UNEP published the tenth in its series of booklets on environment and trade entitled *The Use of Trade Measures in Selected Multilateral Environmental Agreements*; and

(k) In 1996 UNEP plans to publish a *sourcebook on environmental impact assessment*.

UNEP is also currently preparing a number of other publications in the field of environmental law, which will be published when financial resources come available. These include:

(a) Handbook on environmental law;

(b) Training manual on environmental law and policy;

(c) UNEP compendium of indexed texts of national framework legislation for environmental management in developing countries and countries with economies in transition;

(d) UNEP compendium of indexed texts of environmental impact assessment legislation in developing countries and countries with economies in transition;

(e) Arabic compendium of national framework legislation for environmental management;

(f) Report on the second course of the UNEP/UNITAR/UNCHS (Habitat) Global Training Programme on Environmental Law and Policy; and

(g) Report on liability and compensation for environmental damage caused by military activities;

In addition, at its eighteenth session, the Governing Council also requested the Executive Director to update a compilation of international environmental instruments, with a view to facilitating harmonization of international environmental law, in a similar format to the publications *Selected Multilateral Treaties in the Field of the Environment* and *Selected Multilateral Treaties in the Field of the Environment, Volume 2*, published by UNEP in 1983 and 1991, respectively.

UNEP has also established, in collaboration with environmental convention secretariats, a computerized environmental law information base (CELIB), which is now accessible worldwide on the Internet. CELIB contains legal and institutional information, and is available to the public free of charge. Governing Council decision 18/9 endorsed a programme of cooperation between UNEP and IUCN in implementing the UNEP mandate for a database on national and international environmental law. An agreement on cooperation in the field of environmental law was signed on 17 May 1995 by UNEP and IUCN. Modalities of a project to develop a UNEP/IUCN joint environmental law information system are currently being discussed by the two organizations.

A home page on the UNEP Environmental Law and Institutions Programme Activity Centre (ELI/PAC) has been added to the UNEP Web site on the Internet.

2. *Training*

Training in environmental law and policy is recognized as the legal and institutional component of overall capacity-building for sustainable development. While seeking a judicious blend of practical and academic orientations, the UNEP training programmes are designed to respond to the specific needs of developing countries and countries with economies in transition. They are designed and executed in partnership with relevant United Nations and other agencies, such as UNCHS (Habitat), UNDP, UNITAR, UNU, FAO, WTO, UNCTAD and the World Bank, convention secretariats, IUCN and recognized experts in various fields of environmental law, as well as with the UNEP regional offices and relevant in-house units. UNEP has organized a number of training programmes for government officials from developing countries and countries with economies in transition whose current or future functions require specialization in environmental law and policy and the development or implementation of related legislation.

Regional training programmes provide an opportunity for participating officials to focus on similar regional issues. A UNEP workshop on strengthening environmental law and legislation in West Asia was held in Bahrain, in October 1993. The programme addressed legal and institutional aspects of the management and control of marine pollution, cleaner technology, national legislation and institutions for environmental management, EIA, and financial mechanisms for promoting sustainable development, including GEF. It also included an overview of major environmental conventions, including the ozone instruments, the Basel Convention, the Framework Convention on Climate Change, CMS and CITES, with emphasis on the costs and benefits of participation and national measures for their implementation. Forty participants from nine countries and from the Palestine Liberation Organization participated.

A regional workshop on institutional capacity-building for industrial environmental compliance and enforcement response in rapidly advancing economies in Asia was held in Beijing and Beihai, China, from 13 to 19 November 1994. Participants at the Chinese workshop included senior government officials from China, India, Indonesia, Malaysia, Philippines, Republic of Korea, Singapore and Thailand. The workshop dealt with a wide range of legal and institutional issues relating to industrial compliance and the enforcement, including the design of enforcement programmes, developing permit systems, monitoring compliance and the development of an inspection scheme. The objective of the workshop was to contribute to the sustainable development of countries in the Asia and Pacific region in the area of industrial environmental compliance and enforcement, as set out in Agenda 21.

A joint UNEP/South Asia Cooperative Environment Programme (SACEP)/Jawaharlal Nehru University workshop was held at Jawaharlal Nehru University, New Delhi, India from 11 to 15 December 1995. The workshop focused on the efficacy of the existing national environmental legislation and institutional frameworks in countries in the South Pacific region to meet the new challenges of sustainable development and was attended by participants from Bangladesh, Bhutan, India, Iran, Maldives, Nepal, Pakistan and Sri Lanka, all members of SACEP.

In collaboration with Chulalongkorn University, Bangkok, Thailand, UNEP hosted a National Workshop on Environmental Law in Thailand from 29 November to 1 December 1995. Following consultations with several agencies and bodies and among the organizers, the following subjects were chosen for the workshop: natural resource management, watershed management, urban environmental management and industrial environmental management. Over 70 participants from across Thailand participated. This was the first time that UNEP had organized a national workshop in a national language, an approach which proved very conducive to in-depth discussions.

A subregional workshop on national chemicals legislation will be held in October 1996 in Cholpon-Ata, Kyrgyzstan. Participants are expected from Kyrgyzstan, Kazakstan, Mongolia, Russian Federation, Tajikistan, Turkmenistan and Uzbekistan. The UNEP publication *Legislating Chemicals: An Overview* has been translated into Russian and will be used as a reference book for the workshop.

Two courses of the UNEP/UNITAR/UNCHS (Habitat) global training programme on Environmental Law and Policy have been held. The first took place in Nairobi from 29 November to 17 December 1993 and the second from 27 March to 13 April 1995. The programmes focused on national legislative and institutional arrangements for implementing global and regional environmental conventions, and for achieving effective environmental management based on principles of sustainable development. They also included an examination of the legal aspects of subjects of contemporary interest, such as environment and trade, EIA and cleaner technology. The participants were given an opportunity to develop the necessary skills to formulate national legislation and institutional regimes for environmental management for sustainable development and the effective implementation and enforcement of legislation. A total of 25 participants from developing countries attended the first training programme and 29 participants from developing countries and countries with economies in transition attended the second.

The UNEP training-by-attachment programme commenced in 1992. It is intended to provide country-specific intensive training for government legal officers working in the field of environmental law from developing countries and countries with economies in transition. It also provides an opportunity for these officers to benefit from the experience and expertise of UNEP and the convention secretariats in environmental legislation and institutions and to enhance the individual officer's skills and capacity to participate more effectively in national activities relating to the environment. Attachments have been completed by senior government officials from Barbados, Burundi, Cuba, Egypt, Jordan, Malawi, Mozambique, Western Samoa, Zambia and an officer from the UNDP resident representative office for Iran.

UNEP has agreed to participate in a proposed international panel of experts to review the development and implementation of a draft programme of training in environmental law developed by UNITAR.

Further information on UNEP training programmes in this field may also be found under Programme Area F: Environmental impact assessment.

3. *Education*

With a view to putting into operation a system for training in environmental law in the Latin American and Caribbean region, in July 1993, UNEP hosted a training workshop in environmental law in Mexico. At the workshop the current state of education in environmental law was examined as well as the fundamental elements that would define a system for training in this field. A second training workshop in environmental law was organized by UNEP from 27 to 29 November 1995 in Mexico City, Mexico.

The purpose of the second workshop was to examine a general plan for training in environmental law and five specific modules including: introduction to the problems and to environmental law; environmental management and policy; liability for environmental damage; legal system for the protection of inland waters; and the legal system dealing with the atmosphere and outer space.

UNEP has extended assistance to the Faculty of Law of the University of Colombo in Sri Lanka to develop a diploma course in environmental law. Consultations were held with the Dean and teaching staff of the Faculty of Law in September 1994. Following these consultations, a team of faculty members has prepared a tentative programme including, *inter alia*, a curriculum, list of reading material and teaching methodology, which was forwarded to UNEP for review and comments.

UNEP participated in a UNU workshop on environmental law, from 4 to 8 December 1995, for faculty members from universities in the East Asia region. The workshop attracted the participation of associate professors teaching environmental law in universities in, among other countries, Indonesia, Japan, Malaysia, Myanmar, Philippines, Republic of Korea, Singapore, Thailand and Viet Nam. UNEP provided a resource person for two modules namely: emerging directions in the development and implementation of national environmental legislation in the context of sustainable development; and legislative and institutional regimes for implementing an effective EIA process.

Following consultations between UNEP, UNU, ESCAP, IUCN and the National University of Singapore held in June 1995, the National University of Singapore set up the Asia-Pacific Centre for Environmental Law at the University. UNEP, UNU, IUCN and other relevant agencies will collaborate to provide environmental law services, especially in the area of legal training and information dissemination to countries in the region. The principal target group for the Centre's programmes will be law professors working at universities in the Asia and Pacific region, although its training programmes will also be open to government officials. The legal information services will be accessible to government officials and other interested parties such as non-governmental organizations in the Asia and Pacific region. A meeting from 18 to 20 December 1995 was convened to: develop institutional arrangements for collaboration in the development and implementation of the Centre's programme; develop a curriculum for the Centre's training programmes in environmental law; and develop the UNEP/IUCN/National University of Singapore Asia-Pacific environmental law information services at the Centre. UNEP will install a window for environmental law on its information network, to be called the network for environmental training at the tertiary level in Asia and the Pacific (NETTLAP). The Centre was formally opened on 1 July 1996.

From 1991 to 1993 and 1994 to 1996, UNEP sponsored a Chair for Environmental Diplomacy at the Mediterranean Academy of Diplomatic Studies, Malta. The programme was useful in catalysing the development of an environmental consciousness in young diplomats. Under the programme, among other accomplishments, courses on environmental law were established and an international conference on new approaches for international environmental law and diplomacy, entitled: Global Partnership and the Mediterranean Model, was initiated and organized by the then Chair from 29 February to 2 March 1996. Owing to the current financial situation at UNEP, funding of this Chair is no longer possible.

H. CONCEPTS OR PRINCIPLES SIGNIFICANT FOR THE FUTURE OF ENVIRONMENTAL LAW

Objective:

Further develop, as appropriate, international environmental law.

Strategy:

Consider concepts or principles which may be applicable to the formation and development of international law in the field of environment and sustainable development.

Status of implementation:

1. *Further development of International environmental law aiming at sustainable development*

At its second session, 16-27 May 1994, CSD requested UNEP to "study further the concept, requirements, and implications of sustainable development and international law". At its eighteenth session, the UNEP Governing Council welcomed the progress achieved in the implementation and development of international environmental instruments, but expressed its belief that further innovative approaches were required in the field of the progressive development and codification of international environmental law in order to achieve sustainable development. To that end, decision 18/9 requests UNEP to:

(a) develop, in preparing the periodic review of environmental law in accordance with Governing Council decision 17/25, a position paper for international environmental law aiming at sustainable development, containing, *inter alia*, compliance/implementation mechanisms, dispute avoidance/settlement procedures and new concepts and principles; and

(b) prepare a study on the need for and feasibility of new international environmental instruments aiming at sustainable development.

At its fourth session, 18 April-3 May 1996, CSD reiterated its call for UNEP involvement in the further development of international environmental law and welcomed Governing Council decision 18/9. To that end, UNEP, in cooperation with the Centre for International Environmental Law (CIEL) of Washington, D.C., organized a series of expert group workshops on international environmental law aiming at sustainable development. Three workshops have been held: 13-15 November 1995, 22-24 May 1996 and 30 September-4 October 1996, in Washington, D.C. The workshops were attended by selected eminent academics and government and United Nations officials working in the field of international environmental law. All experts worked in their personal capacity.

The workshops identified major elements for, and assisted with the development of, the draft position paper on international environmental law aiming at sustainable development. The participants also discussed future priority areas for action, bearing in mind the Montevideo Programme. A task force was established to discuss and develop the feasibility study on new international environmental instruments aiming at sustainable development.

The draft position paper and draft feasibility study will form part of the mid-term review of the Montevideo Programme II and will be presented to Governments at the nineteenth session of Governing Council, in January 1997.

2. *Further development of specific international environmental instruments*

UNEP is also involved in the further development of specific international environmental instruments, such as a global legally binding instrument on the prior informed consent procedure for certain hazardous chemicals in international trade and an instrument on persistent organic pollutants. Also, certain developments under the UNEP-administered conventions should be noted. These include further CMS agreements, a protocol on biosafety under CBD, a protocol to the Basel Convention on liability and compensation, and additional protocols to the regional seas conventions. New concepts and principles in international environmental law will likely be elements of such instruments. Details on these instruments may be found under the relevant Programme Areas.

I. PROTECTION OF THE STRATOSPHERIC OZONE LAYER

Objectives:

To protect human health and environment against adverse effects resulting from or likely to result from human activities which deplete or are likely to deplete the ozone layer.

Strategy:

Promote the widest possible acceptance and effective implementation of the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer and its adjustments and amendments and utilize the institutions and mechanisms established under these for further development of national and international programmes to respond to current and future concerns.

Status of implementation:

The conclusion in 1985 of the Vienna Convention for the Protection of the Ozone Layer, followed in 1987 by the Montreal Protocol on Substances that Deplete the Ozone Layer, institutionalized global cooperation for the protection of the ozone layer in the stratosphere. The intent of these two instruments is for all countries to cooperate in the protection of the stratospheric ozone layer through the exchange of scientific, technological and other relevant information, and to phase out the production and consumption of specified ozone-depleting substances in accordance with an agreed schedule. As of 30 June 1996, 159 countries had ratified or acceded to the Vienna Convention. The Montreal Protocol has been ratified or acceded to by 157 countries. In 1990, the Protocol was amended to phase out the ozone-depleting substances - chloroflourocarbons (CFCs) and halons - by the year 2000. In 1992, it was again revised, bringing forward the phase-out date to 1996 for CFCs and to 1994 for halons, save for essential uses (a different schedule of phase-out has been set for developing countries operating under Article 5 of the Protocol).

The Copenhagen Amendment, adopted by the Fourth Meeting of the Parties to the Montreal Protocol and entering into force on 22 September 1993, advanced the phase-out of all the controlled substances of Annexes A and B to the Protocol to 1 January 1996, except for halons, which were phased out by 1 January 1994. There were 57 Parties to the Copenhagen Amendment as of 30 June 1996.

At the Seventh Meeting of the Parties, in December 1995, the Secretariat assisted the Parties to the Montreal Protocol in concluding the Vienna adjustments to the phase-out schedule of ozone-depleting substances. The adjustments entered into force on 5 August 1996.

The Secretariat has assisted developing countries and countries with economies in transition in ratifying the ozone treaties by communicating to them the procedure for ratification and providing a draft instrument of ratification.

In 1995-1996 the Secretariat reviewed two studies prepared by UNEP in cooperation with the Stockholm Environment Institute. The first was on monitoring ozone-depleting substances and the second a guide to the regulations to control ozone-depleting substances. The latter is intended to assist government officials dealing with the phase-out of ozone depleting substances and drafting regulations to control and eliminate the use of such substances. Although the main focus of the study is on regulations, it also includes some legislation, ordinances and ministerial orders. In July 1996, the Secretariat published the revised *Handbook for the International Treaties for the Protection of the Ozone Layer*. The revision contains the text of the treaties, with a summary of the control measures for ozone depleting substances under the Montreal Protocol, the evolution of the Montreal Protocol, the status of ratification and rules of procedures for the Meetings of the Parties, the operation of the ozone regime, with decisions of the Parties and an index to decisions and sources for further information.

In accordance with decisions of the Seventh Meeting of the Parties and the Executive Committee of the Montreal Protocol Multilateral Fund, UNEP, in August 1996, initiated a process for identifying the framework for a policy dialogue with Article 5 countries for enhancing support to phase out ozone-depleting substances.

The Secretariat also contributed to the UNEP/UNITAR/UNCHS(Habitat) Global Training Programme by delivering a lecture on the Vienna Convention and the Montreal Protocol, in particular, the rationale for their adoption, the negotiating process, the obligations of States under the treaties and the costs and benefits of ratification or accession.

J. TRANSBOUNDARY AIR POLLUTION CONTROL

Objective:

To promote and develop international cooperation for the prevention and reduction to environmentally acceptable levels of emissions causing transboundary air pollution and their effect which causes damage to the environment.

Strategy:

(a) Consider the possible development of international legal instruments and mechanisms at appropriate levels for the prevention, control and reduction to acceptable levels of emissions causing transboundary air pollution and their effects;

(b) Assist States, in particular developing countries and countries with economies in transition, to promote the development of national arrangements and programmes to prevent, control, and reduce emissions causing transboundary air pollution and their effects.

Status of implementation:

UNEP has not yet had an opportunity to proceed with law-related activities under this heading.

Mention should be made, however, of the related issue of the United Nations Framework Convention on Climate Change elaborated within the general scope of the first Montevideo Programme. The Framework Convention on Climate Change is a global environmental convention which is directed at stabilizing greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system, within a time-frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner. The Convention was adopted on 9 May 1992 in New York and opened for signature during UNCED in June 1992, in Rio de Janeiro. The Convention entered into force on 21 March 1994. As of 18 April 1996 the Depositary of the Convention had received 157 instruments of ratification, accession, acceptance or approval. This is a United Nations-administered Convention.

In addition, the ongoing work by UNEP concerning persistent organic pollutants (POPs) addresses twelve chemicals which are being discussed by the United Nations Economic Commission for Europe (ECE) in the context of the Convention on Long-range Transboundary Air Pollution. The need for international action to develop a global, legally binding instrument on POPs is identified in the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities, adopted at the Intergovernmental Conference in Washington, D.C., from 23 October to 3 November 1995 (see also Programme area M, below).

K. CONSERVATION, MANAGEMENT, AND SUSTAINABLE DEVELOPMENT OF SOILS AND FORESTS

Objective:

To develop suitable regimes for conservation, management and sustainable development of soils and forests, taking into account the close links between desertification, deforestation, climate change and biological diversity.

Strategies:

In close cooperation with agencies and organizations engaged in such fields as soil conservation, forestry, land use, and desertification, promote the implementation of the World Soil Charter, the relevant elements of the World Conservation Strategy, the Plan of Action to Combat Desertification, the Forest Principles adopted at the United Nations Conference on Environment and Development and the Tropical Forestry Action Plan, by proposing measures for their effective implementation at appropriate levels, through the use, *inter alia*, of arrangements which address problems in these areas in accordance with relevant chapters of Agenda 21.

Status of implementation:

1. *United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa*

In 1993, the United Nations convened an Intergovernmental Negotiating Committee for the Elaboration of an International Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa. UNEP hosted this first meeting. Four substantive meetings were held between May 1993 to March 1994. A final meeting, during which the final text of the Convention was adopted, was held in Paris from 6 to 17 June 1994. The Convention was opened for signature in Paris on 14 and 15 October 1994. The Convention to Combat Desertification contains 40 articles and four regional implementation annexes, one each for Africa, Asia, Latin America and the Caribbean, and the Northern Mediterranean. It is a United Nations-administered convention.

The objective of the Convention is to combat desertification and mitigate the effects of drought through action at all levels, supported by international cooperation and partnership arrangements. General obligations of the Parties include: adopting an integrated approach in addressing desertification and drought, giving due attention to the situation of affected developing countries with regard to international trade, marketing arrangements and debt; integrating strategies for poverty eradication into efforts to combat desertification and mitigate the effects of drought; promoting cooperation among affected country parties; strengthening subregional, regional and international cooperation; and cooperating within relevant inter-governmental organizations.

The Convention has not yet come into force, but affected countries are encouraged to develop action plans and donor countries requested to provide financial resources even before it takes effect. The Intergovernmental Negotiating Committee continues to meet and make preparations for the entry into force of the Convention and to support the committee resolution on Urgent Action for Africa.

At its eighth session, held from 5 to 16 February 1996 in Geneva, the Intergovernmental Negotiating Committee discussed procedures for conciliation and arbitration under the Convention.

UNEP organized, in collaboration with the Intergovernmental Authority on Development (IGAD), legal experts meeting of IGAD on policy, legal and institutional issues relating to desertification and drought and the implementation of the Convention to Combat Desertification, from 8 to 10 July 1996 in Nairobi. The subregional study on policy, legal and institutional issues relating to desertification and the subsequent meetings are part of the IGAD activities undertaken in the interim period before the Convention comes into force. The IGAD legal experts meeting formulated concrete proposals on the need for policy, legal and institutional reforms to be submitted to the IGAD Council of Ministers. The IGAD countries include Djibouti, Eritrea, Ethiopia, Kenya, Somalia, the Sudan and Uganda.

2. *Intergovernmental Panel on Forests*

UNEP has played a substantive role in the CSD Intergovernmental Panel on Forests. The first meeting of the Panel was held from 11 to 15 September 1995 in New York and a second meeting from 11 to 22 March 1996 in Geneva, at which UNEP presented a review of the implementation of the UNCED Forest Principles. UNEP has developed an integrated forestry policy paper and will continue to work on the needs of countries with low forest cover and develop legal mechanisms for the sustainable management of forests.

3. *Convention on Biological Diversity (CBD)*

As a related measure, work has been continuing on the implementation of CBD. More information on particular activities may be found above, under Programme Area B: Implementation of international legal instruments in the field of the environment.

L. TRANSPORT, HANDLING AND DISPOSAL OF HAZARDOUS WASTES

Objective:

To reduce, control, prevent and eventually eliminate damage and minimize the risk thereof from the generation, management, transport, handling and disposal of hazardous wastes.

Strategy:

Promote wide participation in, and effective implementation of, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal and related regional agreements.

Status of implementation:

1. *Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal*

The Basel Convention is a global environmental treaty that strictly controls the transboundary movements of hazardous wastes, and obliges the Parties to ensure the environmentally sound management of wastes, particularly their disposal. The Convention was adopted on 22 March 1989 and came into force on 5 May 1992. As of 17 July 1996, the Depositary of the Convention had received 100 instruments of ratification, accession, acceptance or approval.

UNEP and the Secretariat of the Basel Convention have undertaken, within the available resources, a number of activities in accordance with Chapter 20 of Agenda 21 including:

(a) Developing proposals on ways and means of enhancing the monitoring and prevention of illegal traffic (proposals were submitted to the second meeting of the Conference of the Parties in March 1994 for consideration and approval);

(b) Increasing public awareness and information on hazardous wastes issues through the publication of newsletters, press releases and brochures;

(c) Assisting in the development of national legislation, as well as of national capacities, of developing countries and countries with economies in transition to deal with the problems of hazardous wastes;

(d) Organizing and participating in seminars, workshops, training and educational programmes related to environmentally-sound management of hazardous wastes; and

(e) assessing the establishment of regional centres for training and technology transfer.

The Convention has succeeded in developing tools to encourage and facilitate its implementation. For example, the Secretariat of the Convention is providing legal and technical advice for the elaboration of regional conventions and protocols for the control of transboundary movements of hazardous wastes in such regions as Africa, the Mediterranean, the Caribbean and the South Pacific. UNEP and the Secretariat of the Basel Convention are working towards strengthening the implementation of the legal regime established by the Convention. Assistance is being provided to developing countries for the improvement of infrastructure and institutional capacities and appropriate legislative frameworks and enforcement mechanisms developed under the Basel Convention. Technical guidelines are to be further developed to assist in the environmentally sound management of hazardous wastes. In December 1995, the Technical Working Group of the Convention issued a manual entitled *Guidance in Developing National and/or Regional Strategies for the Environmentally Sound Management of Hazardous Wastes.* In January 1996, the Secretariat issued the *Revised Model National Legislation on the Management of Hazardous Wastes as well as on the Control of Transboundary Movements of Hazardous Wastes and other Wastes and their Disposal.* Transfer of clean technologies is being encouraged. Ways and means towards the effective control of transboundary movements of hazardous wastes and their disposal, as well as prevention of illegal traffic, are being developed and communicated to developing countries.

At the first Conference of the Parties, held in December 1992, in Piriapolis, Uruguay, an ad hoc Working Group of Legal and Technical Experts was established to prepare a draft protocol on liability and compensation for damage resulting from the transboundary movement of hazardous wastes and their disposal. By June 1996, the Ad Hoc Working Group of Legal and Technical Experts had held four sessions and elaborated the draft articles for a Protocol on Liability and Compensation for Damage Resulting from the Transboundary Movements of Hazardous Wastes and Their Disposal.
At its second meeting, held in Geneva, Switzerland, from 21 to 25 March 1994, the Conference of the Parties decided to establish an immediate prohibition of all transboundary movements of hazardous wastes which are destined for final disposal from OECD to non-OECD countries. The Parties also adopted a resolution by which the transboundary movement of hazardous wastes destined for recycling or recovery operations is to be phased out by 31 December 1997. At its third meeting, held in Geneva from 18 to 22 September 1995, the Conference of the Parties adopted an amendment to the Convention by which each Party listed in Annex VII (i.e., Parties and other States which are members of OECD, the European Community, Liechtenstein) shall prohibit all transboundary movements of hazardous wastes which are destined for operations according to Annex IV A (i.e., final disposal operations), to States not listed in Annex VII. Each Party listed in Annex VII shall phase out by 31 December 1997, and prohibit as of that date, all transboundary movements of hazardous wastes under Article 1 (i) (a) of the Convention which are destined for operations according to Annex IV B (i.e., operations which may lead to resource recovery, recycling, reclamation, direct re-use or alternative uses) to States not listed in Annex VII. Such transboundary movement shall not be prohibited unless the wastes in question are characterized as hazardous under the Convention.

Also at its third meeting, the Conference of the Parties decided that a form should be developed for use by Parties to report cases of confirmed illegal traffic; requested the Parties to cooperate with each other and the Secretariat of the Basel Convention on alleged cases of illegal traffic; and requested the Parties to promulgate or develop stringent legislation on the control of transboundary movements of hazardous wastes and to incorporate in this legal system appropriate sanctions or penalties for the illegal traffic in hazardous wastes and other wastes.

Having reviewed a study on *Evaluation of the Effectiveness of the Basel Convention*, the Conference of the Parties, at its third meeting, recognized that the Basel Convention had contributed to the control of transboundary movements of hazardous wastes and their management in an environmentally sound manner, and further requested the Parties to take the legal and technical steps necessary for the

implementation of the Convention at the national level in order to ensure its effectiveness. The Conference of the Parties requested the Consultative Sub-Group of Legal and Technical Experts to study all issues related to the establishment of a mechanism for monitoring implementation of and compliance with the Basel Convention. The first session of the Consultative Sub-Group was held in Geneva in June 1996.

2. *Application of environmental norms by military establishments*

In 1994, UNEP initiated a process for convening regional meetings to discuss the application of environmental norms to military establishments. This initiative was launched in response to Governing Council decision 17/5 of May 1993, which requested UNEP to collect information on the application of environmental norms by military establishments. At its second session in May 1994, CSD endorsed the activities by UNEP undertaken pursuant to that decision. A report was submitted to the eighteenth session of the Governing Council, detailing UNEP activities to implement decision 17/5. The report contained a summary of the information provided by Governments on such issues as the conformity of military establishments' hazardous waste policy to national environmental norms, the contribution of the military to the achievement of national environmental policies and an assessment of environmental problems caused by military activities. By Governing Council decision 18/29, of 25 May 1995, the Executive Director was authorized to arrange, within available resources, regional meetings, in cooperation with the United Nations regional commissions and regional organizations, for the implementation of Governing Council decision 17/5.

UNEP, in cooperation with ECE, organized a regional meeting on military activities and the environment in Linköping, Sweden from 27 to 30 June 1995. The Government of Sweden hosted the meeting, which was attended by representatives of 32 ECE member countries, United Nations Bodies including UNDP, the Secretariat of the Basel Convention and the North Atlantic Treaty Organization (NATO). Country reports were submitted to the meeting, dealing with the main environmental problems caused by military activities, environmental objectives for conducting military activities, means for reaching the goals, and environmental policy for the military sector. The meeting helped to define the situation in the member countries of the ECE with regard to the environmental problems caused specifically by military activities, progress in solving these problems and the military sector's contribution to the implementation of national environmental policies.

UNEP, in cooperation with ESCAP, organized a subregional meeting on military activities and the environment for South-East Asian countries in Bangkok, from 26 to 28 June 1996. The meeting was attended by representatives from Cambodia, Indonesia, the Lao People's Democratic Republic, Malaysia, the Philippines, Thailand and Viet Nam. The representatives presented country reports on the main environmental problems related to military activities, environmental objectives for conducting military activities, means for reaching the goals, environmental policy for the military sector, and the military sector's contribution to the enhancement of the environment in the countries concerned. The discussion at the meeting centered on these issues. In concluding the meeting, the representatives declared their wish to enhance international cooperation within the subregion to deal with the subject of military activities and the environment. A similar meeting for South Asian countries will be held in Bangkok in October 1996.

M. INTERNATIONAL TRADE IN POTENTIALLY HARMFUL CHEMICALS

Objective:

To ensure that international trade in all types of potentially harmful chemicals is conducted in a safe and environmentally sound manner taking due account of the rights of, and fully respecting matters of health and environment of, transit and importing States and, to this end, to ensure the safe and environmentally sound management of potentially harmful chemicals.

Strategies:

Review, update and strengthen the London Guidelines for the Exchange of Information on Chemicals in International Trade, as amended, with particular emphasis on the PIC procedure, promote their wide and effective implementation, and consider the development of legally binding instruments and other appropriate programmes.

Status of implementation:

1. *Code of Ethics on International Trade in Chemicals*

To ensure full attainment of the objectives set out in the London Guidelines, as amended in 1989, UNEP provided an international forum to private sector parties, such as industry and non-governmental organizations, to prepare a code of ethics on the international trade in chemicals to complement the London Guidelines. The preparation of such a code is envisaged in Chapter 19, paragraph 50, of Agenda 21. Between 1992 and 1994, UNEP convened four sessions of informal consultations for the preparation of a code and on 9 August 1994, the Code of Ethics on the International Trade in Chemicals was issued by UNEP to guide the private sector in enhancing safety in the international trade in chemicals.

The Code was initially distributed to 185 industry associations and 77 non-governmental organizations worldwide. It was also sent to the Governments of all States and relevant inter-governmental organizations. It is complementary, though broader in scope, to the amended London Guidelines, which are targeted at Governments. It takes into account the entire life-cycle of chemical production, transport, use, and disposal, and has been developed for the purpose of reducing health and environmental risks. Wide application of the Code was recommended by the International Conference on Chemical Safety, where 114 Governments met in late April 1994 in Stockholm. The second session of CSD in May 1994 also called for the Code's application on as wide a scale as possible, and reinforced industry's role as a major player in furthering the objectives of Agenda 21. By the end of July 1996, the following had notified UNEP of their intention to apply the Code: the European Chemical Industry Council, 75 member companies of the Japan Responsible Care Council (the Japan Chemical Industry Association), the European Fertilizer Manufacturers' Association, the Spanish Chemical Industry Federation and the International Union of Pure and Applied Chemistry.

2. *Intergovernmental Forum on Chemical Safety*

UNEP, the International Labour Organization (ILO) and the World Health Organization (WHO), in the context of the International Programme on Chemical Safety, jointly organized the International Conference on Chemical Safety in Stockholm, Sweden in April 1994 and assisted Governments to establish the Intergovernmental Forum on Chemical Safety (IFCS). The need to establish the Forum was identified in Agenda 21, chapter 19. The first meeting of the Intersessional Group, the subsidiary body

of IFCS, was held in Bruges, Belgium in March 1995 and discussed actions for the implementation of chapter 19 of Agenda 21 recommended by the International Conference on Chemical Safety. At its second meeting, held in Canberra, Australia, in March 1996, the Intersessional Group further considered the matter.

The assessment of the short list of persistent organic pollutants (POPs) undertaken in accordance with UNEP Governing Council decision 18/32 was followed by an IFCS Expert Meeting on POPs and an IFCS ad hoc working group on POPs, held in Manila, the Philippines in June 1996 (further details may be found below, under the section dealing with POPs).

3. *Inter-Organization Programme for the Sound Management of Chemicals*

A memorandum of understanding concerning the establishment of an Inter-Organization Programme for the Sound Management of Chemicals (IOMC) was agreed among UNEP, ILO, FAO, WHO, United Nations Industrial Development Organization (UNIDO), and OECD at an inter-agency meeting held in Paris in November 1994. The programme arose from the need for a coordinated and holistic approach and strengthening partnerships among these organizations, with respect to their activities in the field of chemicals as identified in chapter 19 of Agenda 21. The memorandum of understanding entered into force on 13 March 1995. An Inter-Organization Coordinating Committee, comprising representatives of the six participating organizations, meets regularly to discuss matters of common interest in the field of chemicals.

4. *Prior Informed Consent (PIC) Instrument*

In January 1993, the third session of the Ad Hoc Working Group of Experts on the Implementation of the Amended London Guidelines, in compliance with paragraphs 38 and 39 of Chapter 19 of Agenda 21, recommended that UNEP should establish a task force to consider modalities for the development of a legally binding instrument for the mandatory application of a PIC procedure concerning banned or severely restricted chemicals. In accordance with that recommendation, UNEP convened, in September 1993 and March 1994, meetings of the Task Force were held with the participation of Governments and representatives of relevant organizations to consider and identify elements of such an instrument. On the basis of the work of the Task Force, at the fourth session of the Ad Hoc Working Group, in April 1994, the representatives of 55 Governments identified a set of elements which might be included in the future legally binding instrument on PIC.

At its second session in New York, in May 1994, CSD recommended that UNEP and FAO, in close cooperation with other international organizations, should continue to evaluate and address problems impeding the implementation of the voluntary PIC procedure and to develop effective legally binding instruments concerning the PIC procedure. In November 1994, at its one hundred and seventeenth session, the FAO Council, having noted the work already done by UNEP for the development of a PIC instrument including possible elements of such an instrument, agreed that the FAO Secretariat should proceed with the preparation of a draft PIC instrument.

An informal consultative meeting was convened by UNEP together with FAO in Geneva in December 1994 to consider major issues related to the development of a PIC instrument. The meeting was attended by representatives of 24 Governments, and relevant intergovernmental organizations and non-governmental organizations. The participants supported the development of such an instrument and suggested that the Executive Director of UNEP seek a mandate to start negotiations.

At its eighteenth session, by decision 18/12 of May 1995, the Governing Council of UNEP authorized the Executive Director to prepare for and convene, with FAO and in consultation with Governments and

other organizations, an intergovernmental negotiating committee, with a mandate to prepare an international legally binding instrument for the application of the PIC procedure. The Governing Council also requested the Executive Director to convene, together with the Director General of FAO, a diplomatic conference for adopting and signing the instrument, preferably not later than early 1997.

The first session of the Intergovernmental Negotiating Committee Meeting for an International Legally Binding Instrument for the Application of the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade was held in Brussels, Belgium, from 11 to 15 March 1996, attended by representatives of 80 Governments and the European Community. Observers from relevant intergovernmental and non-governmental organizations also attended the meeting. The meeting, on the basis of the work done by the Ad Hoc Working Group of Experts on the Implementation of the Amended London Guidelines, identified potential elements to be included in the PIC instrument. In addition, the work had commenced on the identification of modalities of identification of chemicals to be covered by such an instrument. The session also agreed on rules of procedure and completed a preliminary review of a draft outline of the future agreement. The second session of INC/PIC will be organized by UNEP and FAO in Nairobi from 16 to 20 September 1996.

5. *Further Measures*

Pursuant to Governing Council decision 18/12, a meeting of government-designated experts on further measures to reduce risks from a limited number of hazardous chemicals was convened by UNEP in Copenhagen, Denmark, in April 1996. The meeting considered health or environmental problems where international action might be needed to reduce risks from a limited number of hazardous chemicals. The meeting recommended that the nineteenth session of the UNEP Governing Council should address the following subjects: unwanted stocks of pesticides and other chemicals; capacity-building in the field of chemicals; inadequate chemical information; and issues related to risk reduction from a limited number of hazardous chemicals, including possible bans or phase-outs.

During the meeting, the group of experts took note of a proposal by two Governments regarding the possible benefits of an integrated international legal mechanism concerning the management of hazardous chemicals and invited the Executive Director of UNEP, the Director-General of FAO, and the President of IFCS to seek the views of Governments on this issue for consideration by the UNEP Governing Council at its nineteenth session, by the FAO Council and by IFCS. The group of experts endorsed the view that consideration of such a measure should not impede progress on current or possible future negotiations to manage hazardous chemicals.

6. *Persistent Organic Pollutants (POPs)*

By its decision 18/32, the Governing Council of UNEP invited IOMC, working with the International Programme on Chemical Safety (IPCS: its members include UNEP, ILO and WHO) and IFCS, to initiate an expeditious assessment process, beginning with the short list of twelve persistent organic pollutants (POPs) that is currently being discussed by ECE in the context of the Convention on Long-range Transboundary Air Pollution. The Global Programme of Action adopted at the Intergovernmental Conference in Washington D.C., 23 October-3 November 1995, identified the need for international action to develop a global, legally binding instrument for the reduction and/or elimination of emissions and discharges and where necessary the elimination of manufacture and use, and illegal traffic in POPs.

In October 1995, UNEP, on behalf of IOMC, had initiated the assessment process of POPs, in close cooperation with IPCS. The first session of an IOMC Ad Hoc Working Group on POPs was held in Washington, D.C., on 28 October 1995, followed by its second session in Canberra on 9 March 1996, which was recognized by the second meeting of the Intersessional Group of IFCS as an IFCS Ad Hoc

Working Group meeting on POPs. The assessment process had been further carried on by an IFCS experts' meeting on POPs held in Manila, the Philippines, from 17 to 19 June 1996. On 21 and 22 June 1996, an IFCS Ad Hoc Working Group meeting on POPs was held in Manila. Among various conclusions and recommendations addressed to the UNEP Governing Council and the World Health Assembly for their consideration, the Working Group concluded that international action, including a global legally binding instrument, is required to reduce the risks to human health and the environment arising from the release of the 12 specified POPs. The programme of action must take into account that the 12 specified POPs include pesticides, industrial chemicals and unintentionally produced by-products and contaminants, and that, in the framework of overarching objectives to be negotiated by an intergovernmental negotiating committee, different approaches are needed for each category of POPs. It concluded that a process will be required to develop science-based criteria and a procedure for identifying POPs in addition to the 12 specified in UNEP Governing Council decision 18/32 as candidates for future international action and recommended that an expert group should be established to carry out this work.

7. *Capacity Building*

UNEP, in collaboration with FAO and UNITAR, held a workshop on the implementation of PIC and the sound management of chemicals for countries of Southern and Eastern Africa in Johannesburg, South Africa, from 4 to 8 September 1995 and another on the sound management of chemicals and the implementation of PIC for countries of Western and Central Africa in Accra, Ghana, from 22 to 26 July 1996. UNEP gave presentations on chemical legislation, the negotiations on a PIC instrument, the Code of Ethics and the strengthening of national capabilities and capacities for chemicals management.

UNEP will host a subregional workshop on chemicals legislation in October 1996 in Kyrgyzstan. Full details of the UNEP training and education programme in the area of environmental law and institutions may be found above, under Programme Area G: Environmental awareness, education, information and public participation.

N. ENVIRONMENTAL PROTECTION AND INTEGRATED MANAGEMENT, DEVELOPMENT AND USE OF INLAND WATER RESOURCES

Objective:

To prevent, reduce and control the degradation of inland water resources through the application, as appropriate, of an integrated approach to the development, management and use of water resources, thereby assisting States to prevent disputes and ensure that adequate supplies of water of good quality are maintained for the entire population of this planet.

Strategy:

(a) Encourage the development of cooperative mechanisms between States including, as appropriate, international legal instruments for the protection and integrated management, development and use of transboundary water resources with a view to the prevention, reduction, control and reversal of their degradation and for the prevention and peaceful resolution of disputes between States;

(b) Promote the development of national legislation, institutions and programmes for the protection and efficient management of inland water resources, with particular emphasis on maintaining an adequate supply of safe drinking water, while preserving the hydrological, biological and chemical functions of ecosystems, adapting human activities within the capacity limits of nature and combating vectors of water-related diseases.

Status of implementation:

1. *Legislative guidelines for integrated water management*

UNEP is in the process of preparing legislative guidelines for integrated water management dealing with the environmental management of fresh and coastal water resources. The guidelines are expected to cover such broad themes as: planning, development and conservation, including EIA; access: water rights and abstraction permits; pollution control: ambient standards, discharges and cleanup; liability, enforcement, compliance and dispute prevention and resolution; transboundary water resources; institutional arrangements; and equitable use.

2. *Caspian Sea*

A joint UNEP/UNDP/World Bank fact-finding mission to the Caspian Sea region was undertaken during March and April 1995 to assess the environmental situation in the region, the need for assistance, modalities for legal and institutional responses, and to assess the possible development of a regional convention for cooperation with regard to the Caspian Sea.

A meeting of legal experts on environmental cooperation in the Caspian region was organized by UNEP in Geneva from 12 to 14 December 1995 as a practical follow-up to the joint UNEP/UNDP/World Bank fact-finding mission, with government representatives from Azerbaijan, Iran, Kazakstan, the Russian Federation and Turkmenistan in attendance. The objective of the meeting was to promote a legal framework of environmental cooperation in the region where the critical environmental situation (sea-level rise, pollution and depletion of living resources) is combined with a number of complex political and developmental factors, including the emergence of newly independent States, the unresolved legal status of the Caspian and prospects of intensive oil exploration and exploitation.

The expert meeting promoted a constructive discussion which led to an understanding that the problem of defining the legal status of the Caspian should not delay or undermine environmental cooperation in the region. The earlier report of the joint UNDP/UNEP/World Bank fact-finding mission, in which legal and institutional matters were among the major components, emphasized that legal cooperation in the Caspian region had two distinct objectives: first, to enhance national legal institutional capacities, including the harmonization of national legal regimes; and second, to create an effective institutional legal framework for environmental cooperation in the Caspian region. UNEP was requested to prepare and convene during 1996 at least two meetings to discuss the basic elements of a framework convention on environmental cooperation in the Caspian and to prepare an initial draft.

3. *Special Initiative on Africa*

On 15 March 1996, the United Nations launched the United Nations System-wide Special Initiative on Africa to support development on the continent. UNEP was designated chair of the Working Group on Water under the Initiative. The Working Group on Water will address the sustainable and equitable use of freshwater, household water security, freshwater assessment and water for food production. UNEP has been designated the lead on the sustainable use of, and equitable access to, freshwater resources.

At a UNEP-sponsored meeting in October 1995, attended by African water experts, agreement was reached on a new "fair share" strategy within and among African countries. Based on this and on the key principles and priorities as set forth in the Southern African Development Community (SADC) Policy and Strategy on Equity-Led Growth for Sustainable Development a "fair-share" water strategy has been developed by UNEP and consultations held with SADC for its implementation in the countries of Southern Africa. The overall project objective is to develop and apply fair share water principles and guidelines and develop and apply guidelines and tools for environmental, economic and equity impact assessments.

4. *UNEP/UNDP Joint Project on Environmental Law and Institutions in Africa*

Under the UNEP/UNDP Joint Project on Environmental Law and Institutions in Africa, a subregional project has been established in Kenya, Uganda and the United Republic of Tanzania to focus on the development of national framework environmental laws and legal regimes for the management of wildlife resources and the resources of Lake Victoria, in coordination with other United Nations work in the region. A full account of the activities under this Project is provided above, under Programme Area A: Enhancing the capacity of states to participate effectively in the development and implementation of environmental law.

5. *Multilateral Working Group on Environment*

Information on UNEP work in the Multilateral Working Group on Environment may be found above, under Programme Area D: Dispute avoidance and settlement.

O. MARINE POLLUTION FROM LAND-BASED SOURCES

Objective:

To prevent, reduce and control pollution of the marine environment and degradation of coastal areas from land-based sources of pollution, and to reduce or minimize the adverse effects that have already occurred.

Strategy:

Cooperate in the development of regional treaties, protocols or other instruments regarding the degradation of the marine environment from land-based activities, where necessary, update and strengthen the Montreal Guidelines for the Protection of the Marine Environment from Land-based Sources of Pollution and promote their widest possible acceptance by States; and consider the elaboration, if necessary of a global instrument, in accordance with the relevant provisions of the 1982 United Nations Convention on the Law of the Sea (UNCLOS).

Status of implementation:

Pursuant to Governing Council decision 17/20 of 21 May 1993 and chapter 17 of Agenda 21, three meetings of government-designated experts to discuss land-based marine pollution were scheduled for 1993-1995. The first of these three meetings, a preliminary meeting of experts to assess the effectiveness of the regional seas agreements, was held in Nairobi in December 1993. The meeting

reviewed experiences of Governments and relevant organizations in the implementation and/or development of regional seas agreements for the protection of the marine environment from land-based activities and considered the effectiveness and adequacy of relevant regional seas agreements in protecting the marine environment from land-based activities.

1. *Global Programme of Action for the Protection of the Marine Environment from land-based Activities*

A meeting of government-designated experts focusing on the 1985 Montreal Guidelines for the Protection of the Marine Environment from Land-Based Sources of Pollution was held in Montreal, Canada from 6 to 10 June 1994. Following the successful conclusion of that meeting, UNEP coordinated intersessional work on a draft global programme of action for the protection of the marine environment from land-based activities, prior to the final preparatory meeting in Reykjavik, Iceland from 6 to 10 March 1995. The main objective of the Reykjavik meeting was to review the draft Global Programme of Action prepared by UNEP. UNEP provided secretariat services, assisting with drafting and advice where appropriate.

At its eighteenth session, the UNEP Governing Council welcomed the progress made at the Reykjavik meeting, as well as that made at the previous meeting of Government-designated experts held in Montreal, Canada. In accordance with Governing Council decision 18/31, the Executive Director made arrangements to hold the Intergovernmental Conference to Adopt a Global Programme of Action for the Protection of the Marine Environment from Land-based Activities in Washington, D.C., from 23 October to 3 November 1995. At the Washington Conference, the Global Programme of Action was adopted and UNEP was selected to provide the secretariat.

As follow-up to the Washington Conference, UNEP prepared a paper explaining how it intends to carry out its secretariat functions under the Global Programme of Action. The proposal was prepared by UNEP with inputs from other agencies, selected governments and non-governmental organizations. The proposal was presented to the Intersessional Meeting of CSD in February 1996 and to the fourth session of CSD in April 1996 as the basis for a draft resolution on institutional arrangements for implementation of the Global Programme of Action, to be considered by the United Nations General Assembly at its fifty-first session in late 1996.

An inter-secretariat consultation on implementation of the Global Programme of Action, attended by UNEP representatives and those of a number of regional seas programmes, including the Black Sea Environmental Programme, Caribbean Environment Programme, South-East Pacific Action Plan, Mediterranean Action Plan, Northwest Pacific Action Plan, SACEP, the South Pacific Regional Action Programme (SPREP) and also the Oslo and Paris Commissions, was held on 13 and 14 May 1996. The meeting discussed the role envisaged for the regional seas programmes in the UNEP implementation plan, reviewed the status of regional activities relevant to the Global Programme of Action, including plans for future activities and timetables, identified the assistance required for implementing regional programmes of action relevant to the Global Programme of Action, discussed inter-regional cooperation in implementing the Global Programme of Action and discussed cooperation with international organizations.

A joint inter-secretariat and interagency consultation was attended by the same representatives as noted above, as well as eight United Nations Agencies, namely, FAO, the International Atomic Energy Agency (IAEA), the International Maritime Organization (IMO), the UNESCO Intergovernmental Oceanographic Commission (IOC), UNDP, UNIDO, WHO, and the World Meteorological Organization (WMO). At this meeting, on 15 and 16 May 1996, the participants discussed the implementation of

regional components of the Global Programme of Action as identified at the inter-secretariat consultation, each source-category component of the data directory and the need to establish inter-organizational mechanisms for coordinated implementation of the Global Programme of Action.

The first meeting of the Joint Group of Experts on Scientific Aspects of Marine Environmental Protection (GESAMP) Working Group on Marine Environmental Assessments, was attended by six technical secretariats for GESAMP (IMO, FAO, IOC, IAEA, WMO and UNEP), 10 experts from GESAMP and representatives of UNEP, was held on 17 and 18 May 1996. The Group recommended the establishment of a standing working group and terms of reference including the preparation of a report on land-based activities as a first step towards the periodic assessment of the state of the marine environment. The report is expected to be completed by 1998.

2. *Persistent organic pollutants (POPs)*

There is agreement that international action is needed to develop a global, legally binding instrument for the reduction and/or elimination of emissions and discharges and, where necessary, the elimination of manufacture and use, and illegal traffic in POPs. UNEP activities in this area are discussed above, under Programme Area M: International trade in potentially harmful chemicals.

P. MANAGEMENT OF COASTAL AREAS

Objectives:

To promote the integrated management and sustainable development of coastal areas.

Strategies:

Promote, in cooperation with relevant United Nations and other competent international bodies, the application of the concept of sustainable development in the management of coastal areas and the pursuit, for this purpose, of an integrated approach, through effective action at the national, subregional and regional levels.

Status of implementation:

1. *Integrated Coastal Management*

UNEP is initiating and promoting the concept of integrated management of watersheds, river basins, estuaries, and marine and coastal areas, which provides a comprehensive ecosystem-based approach to the protection of freshwater, coastal and ocean resources. Coastal area management concentrates on problems in the dynamic and ecologically sensitive coastal zone and a wider zone including the hinterland which influence coastal processes and can extend over an entire watershed including river basins. The management of coastal areas is linked to the environmentally sound management of resources in the hinterland, including the quality and quantity of water flow and the transport of soil sediments and pollutants.

UNEP took part in the Conference on Integrated Coastal Zone Management in Eastern Africa including Island States, held in Arusha, United Republic of Tanzania, 21-23 April 1993. The importance was

recognized of the Nairobi Convention on the Protection, Management and Development of the Coastal and Marine Environment in the Eastern African Region, and countries were encouraged to ratify or accede to the Convention.

Within the framework of the Action Plan for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region, UNEP is in the process of preparing a document on practical steps in the integrated coastal area management (ICAM) process. These practical steps are a means of communicating the UNEP experience in ICAM throughout the Regional Seas Programme, to assist with developing on-the-ground practical steps for implementing the ICAM process for sustainable development. UNEP has assisted the countries of the Comoros, Kenya, Mozambique and the United Republic of Tanzania with the development of ICAM strategies.

2. *International Coral Reef Initiative*

Concern over the plight of coral reefs has been raised at numerous international fora, including CBD, the Framework Convention on Climate Change, the Global Programme of Action , and the Global Conference on the Sustainable Development of Small Island Developing States. In 1994, the International Coral Reef Initiative (ICRI) was proposed and supported by Governments, United Nations Organizations including UNEP, regional organizations, multilateral development banks and non-governmental organizations. ICRI, *inter alia*, calls for Governments and international organizations to strengthen commitment to and implementation of programmes to protect and conserve the reefs and to incorporate management provisions for the protection and restoration of the reefs and associated environments. In its decision 18/33, the UNEP Governing Council welcomed ICRI, and encouraged the regional programmes of UNEP, particularly the Regional Seas Programme, to incorporate recommendations of the coral reef initiative workshop, as appropriate, into relevant UNEP activities and, whenever appropriate, to translate them into concrete supporting measures on protection and conservation. An international workshop was held from 29 May to 2 June 1995 to develop a consensus framework for action and regional meetings have been held throughout 1995 and 1996. At the regional meetings Governments were encouraged to develop and adopt integrated coastal management measures, including, the enforcement of regulations to protect the marine environment.

3. *Legislative Guidelines for Integrated Water Management*

UNEP is in the process of preparing legislative guidelines for the integrated water management of fresh and coastal water resources. Further information on this may be found above, under Programme Area N: Environmental protection and integrated management, development and use of inland water resources.

4. *Capacity-building*

UNEP provides assistance to Governments, upon request, for the review and development of national environmental legislation. This included, in August 1996, a mission to Lebanon, at the Government's request, to assist with the development of a coastal zone management act, and the development of legislation on the conservation of marine areas for Tuvalu in May 1996. Further information on UNEP capacity-building programme may be found above, under Programme Area A: Enhancing the capacity of states to participate effectively in the development and implementation of environmental law.

5. *International environmental conventions*

At the second meeting of the Conference of the Parties to CBD, held in Jakarta in late 1995, the Parties decided to request the Subsidiary Body on Science, Technology and Technological Advice to the Convention to establish a three-year panel on marine and coastal biological diversity to examine, in particular, protected areas, sustainable use, integrated management, introduction of alien species and mariculture.

Under CMS, various agreements have been or are in the process of being developed for species and habitat conservation measures, management plans, research and monitoring, and public education and awareness. These agreements deal with such issues as small cetaceans in the Baltic and North Seas, cetaceans in the Mediterranean and Black Seas, common seals in the Wadden Sea and marine turtles.

Further information on specific activities relating to international environmental conventions may be found above, under Programme Area B: Implementation of international legal instruments in the field of the environment and C: Adequacy of existing international instruments.

6. *Global Programme of Action for the Protection of the Marine Environment from Land-based Activities*

The Global Programme of Action, adopted at the Intergovernmental Conference in Washington, D.C., from 23 October to 3 November 1995, will also contribute to the protection of coastal resources. Details of the Global Programme of Action may be found above, under Programme Area O: Marine pollution from land-based activities.

7. *Sustainable Development of Small Island Developing States*

A Global Conference on the Sustainable Development of Small Island Developing States was held in Barbados from 25 April to 6 May 1994. The meeting produced a Programme of Action which deals with, *inter alia*: climate change and sea-level rise; management of wastes; coastal and marine, freshwater, land, energy, tourism, and biodiversity resources; and institutions and administrative capacity. In the area of legislation the Programme called for:

(a) At the national level, development of new legislation and revision of existing legislation where appropriate to support sustainable development, incorporating customary and traditional legal principles where appropriate, backed up with training and adequate resources for enforcement;

(b) At the regional level, support for national efforts to develop comprehensive legislation in support of sustainable development, and to ratify and implement international conventions, support for legal training and training manuals in areas of EIA, cultural heritage, pollution, civil enforcement, mediation and prosecution, and encouragement, where appropriate, for the harmonization of environmental legislation and policies within and between small island developing States in order to ensure high levels of environmental protection; and

(c) At the international level, programmes to enhance the capacity of small island developing States to develop and implement national legislation, including training in all aspects of environmental law and, where applicable, customary law, strengthening capacity to participate effectively in the negotiation of new or revised agreements or instruments and national efforts to implement international agreements or instruments.

UNEP has provided assistance to several small island developing States in developing national environmental legislation, including the Cook Islands, Kiribati, Maldives, Sao Tome and Principe, Seychelles, Trinidad and Tobago, Tuvalu and Western Samoa. Full details of the UNEP capacity-building programme are given above, under Programme Area A: Enhancing the capacity of states to participate effectively in the development and implementation of environmental law.

Q. PROTECTION OF THE MARINE ENVIRONMENT AND THE LAW OF THE SEA

Objective:

To assist States, as appropriate, to promote the protection of the marine environment through the development, and effective implementation of, international law in that field including regional cooperation and those instruments developed under the regional seas programme.

Strategy:

Promote the application of, and respect for, international law related to protection of the marine environment as reflected in the 1982 United Nations Convention on the Law of the Sea and in other relevant international instruments, which law provides the basis on which to pursue protection and sustainable development of the marine environment.

Status of implementation:

1. *Regional seas agreements*

Over the last 20 years, UNEP has assisted in developing the current nine regional seas conventions, 24 protocols and 13 action plans addressing issues of environmental management and protection of the marine environment. UNEP serves as secretariat to some of these conventions and has provided catalytic funding through the Regional Seas Programme, although with the current financial situation this is becoming very difficult.

2. *Action Plan for the Protection and Management of the Marine and Coastal Environment of the South Asian Seas Region*

By Governing Council decision 18/39, the Executive Director was called upon to develop further and implement the Action Plan for the Protection and Management of the Marine and Coastal Environment of the South Asian Seas Region. This Action Plan would provide assistance to Bangladesh, India, Maldives, Pakistan and Sri Lanka.

3. *East Asian Seas Action Plan*

The UNEP Regional Coordinating Unit for the East Asian Seas Action Plan and UNU have negotiated a joint project to support development of the East Asian Seas Action Plan. The project, will, *inter alia*, undertake policy research with regard to compliance with international environmental treaties and instruments in the region, including the Global Programme of Action. Member States include Australia, Cambodia, China, Indonesia, Malaysia, the Philippines, the Republic of Korea, Singapore, Thailand and Viet Nam.

4. *Northwest Pacific Action Plan*

An ad hoc meeting of technical experts for the North West Pacific Action Plan (NOWPAP) is planned to be held from 9 to 11 September 1996, to discuss a draft programme document prepared by UNEP in consultation with other international and regional organizations, as requested by the First Intergovernmental Meeting on NOWPAP. This draft document outlines operational details of projects to be developed on the basis of priorities, and will be finalized at this meeting, for submission to the Second Intergovernmental Meeting, planned for 20 November 1996 in Tokyo, Japan.

5. *Wider Caribbean region*

From 3 to 8 June 1996 a meeting of Parties to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region met to consider a draft protocol on protection of the marine environment from pollution from land-based activities. A second meeting to discuss the draft is tentatively scheduled for early 1997.

6. *Eastern African region*

UNEP took part in the Conference on Integrated Coastal Zone Management in Eastern Africa including Island States, held in Arusha, the United Republic of Tanzania, 21-23 April 1993. The importance was recognized of the Nairobi Convention for the Protection, Management and Development of the Coastal and Marine Environment in the Eastern African Region, and countries were encouraged to ratify or accede to the Convention.

Work is under way to conclude a draft host Government agreement between the United Nations and Seychelles for the establishment of a regional coordinating unit for the Eastern African region, to guide activities undertaken under the auspices of the Eastern African Action Plan.

7. *Mediterranean region*

Work is also under way to conclude a host Government agreement between UNEP and the Government of Croatia regarding the establishment of a priority action programme, with a regional activity centre at Split, Croatia, under the auspices of the Mediterranean Action Plan and Convention for the Protection of the Mediterranean Sea Against Pollution.

8. *Western and Central African region*

On 7 February 1996, a host Government agreement was signed by Executive Director of UNEP and the Government of Côte d'Ivoire regarding the establishment of a regional coordination centre under the auspices of the Convention for Cooperation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region.

9. *United Nations Convention on the Law of the Sea*

UNEP has responsibility for assisting with the implementation of the United Nations Convention on the Law of the Sea. By its resolution 49/28 of 6 December 1994, the General Assembly invited "the competent international organizations [which include UNEP] to assess the implications of the entry into force of the Convention in their respective fields of competence and to identify additional measures that may need to be taken as a consequence of its entry into force with a view to ensuring a uniform, consistent and coordinated approach to the implementation of the provisions of the Convention throughout the United Nations system".

The UNEP Regional Seas Programme, whose activities are described above, is one of the mechanisms for implementing United Nations Convention on the Law of the Sea. Other activities in the field of environmental law include the establishment of
a list of experts, nominated by Governments, in the field of protection and preservation of the marine environment for constituting a special arbitral tribunal pursuant to Article 2 of Annex VIII to the Convention. The list, when established, will be maintained by UNEP.

The Global Programme of Action is expected to contribute to the implementation of provisions of the Convention concerning the protection and preservation of the marine environment (Part XII), in particular, pollution from land-based sources.

10. *Marine Mammals*

A comprehensive review of legal aspects of the conservation of aquatic mammals was commissioned by UNEP under the auspices of the Marine Mammal Action Plan. This report covers, *inter alia*, the legal framework, including the United Nations Convention on the Law of the Sea, recent related conventions and other principles; threats to aquatic mammals and their habitat, such as the effects of fisheries and degradation of habitats; and new approaches to the enforcement of legal measures. It is expected to be published by the end of 1996.

11. *Code for the Safe Carriage of Irradiated Nuclear Fuel, Plutonium and High-level Radioactive Wastes in Flasks on board Ships*

UNEP has continued to follow the development of the Code for the Safe Carriage of Irradiated Nuclear Fuel, Plutonium and High-level Radioactive Wastes in Flasks on board Ships. UNEP took part in the Joint IAEA/IMO/UNEP Working Group which developed the Code. This work was concluded in 1993 with the adoption of the Code by IMO General Assembly Resolution A.748(18), of 4 November 1993. From 4 to 6 March 1996, UNEP took part in the Special Consultative Meeting of Entities Involved in the Maritime Transport of Nuclear Materials Covered by the Code, organized by IMO to continue to review the Code. The Maritime Safety Committee and Maritime Environment Protection Committee of IMO have requested UNEP to contribute to a consideration of the environmental impact of accidents involving irradiated nuclear fuel materials. A report on the Code will be made to the nineteenth session of UNEP Governing Council.

R. INTERNATIONAL COOPERATION IN ENVIRONMENTAL EMERGENCIES

Objective:

To achieve effective international, as well as regional cooperation in the monitoring, assessment, anticipation, prevention of, and response to environmental emergencies, and to develop appropriate legal arrangements for cooperation and assistance in dealing with environmental emergencies.

Strategy:

To develop, in cooperation with relevant agencies and organizations, necessary arrangements at appropriate levels, and where appropriate on a sectoral basis, for effective cooperation and assistance in dealing with environmental emergencies.

Status of implementation:

1. *UNEP/Department of Humanitarian Affairs Environment Unit*

UNEP negotiated institutional and administrative arrangements with the United Nations Department of Humanitarian Affairs (DHA) resulting in the establishment of a joint UNEP/DHA Unit in the Department of Humanitarian Affairs. The proposal for the joint unit was accepted at the meeting of the Committee of Permanent Representatives held on 8 June 1994. An advisory group on environmental emergencies has also been established which will, *inter alia*, review the work of the joint unit.

UNEP is carrying out a study concerning the preparation of a draft convention on early notification and assistance in the case of environmental emergencies.

2. *Joint UNEP/UNCHS (Habitat) Task Force on the Continuum from Relief to Development*

UNEP is developing innovative responses to complex emergency situations through the Joint UNEP/UNCHS (Habitat) Task Force on the Continuum from Relief to Development. The Task Force is looking at the integration of settlements and environment-related activities as part of interventions in the various phases of the continuum from disaster to rehabilitation, reconstruction and sustainable development.

3. *Capacity-building*

In January 1996, UNEP assisted Lesotho with the preparation of a Disaster Management Bill, which has gone to Parliament for consideration. UNEP worked with the Lesotho Disaster Management Authority in this effort. Full details of the UNEP capacity-building programme may be found above, under Programme Area A: Enhancing the capacity of States to participate effectively in the development and implementation of environmental law.

S. ADDITIONAL SUBJECTS FOR POSSIBLE CONSIDERATION DURING THE PRESENT DECADE

Seven other subjects were identified under the Montevideo II Programme as areas where action by the appropriate international bodies to develop international legal responses may be appropriate during the 1990s. The activities undertaken that relate to these areas are outlined below.

1. *Environmental protection of areas beyond the limits of national jurisdiction*

Except for activities to assist with the implementation of the Ozone Convention and the Framework Convention on Climate Change, no legal activities have been undertaken by UNEP to date under this heading.

2. *Use and management of biotechnology, including question of intellectual and property rights with respect to genetic resources*

UNEP convened a Global Consultation of Government-Designated Experts on International Technical Guidelines for Safety in Biotechnology in Cairo from 11 to 14 December 1995. The representatives of 59 Governments, the European Commission, the Secretariat of CBD and other intergovernmental and non-governmental organizations attended the meeting. The meeting adopted the UNEP International Technical Guidelines for Safety in Biotechnology. The Guidelines address the human health and environmental safety of all types of applications of biotechnology, from research and development to commercialization of biotechnological products containing or consisting of organisms with novel traits. The meeting recommended, among other things, that UNEP facilitate the implementation of these Guidelines at national and regional levels.

UNEP and GEF co-sponsored a meeting of representatives from indigenous and local communities in Geneva from 29 to 31 May 1996 to explore their participation in the implementation of CBD, particularly implementation of Article 8 of the Convention dealing with preserving and maintaining the knowledge, innovations and practices of indigenous and local communities.

On 8 July 1996, UNEP, in cooperation with the biotechnology industry, held a meeting on the UNEP Biosafety Guidelines and Related Capacity-Building Requirements, in Geneva.

From 22 to 26 July 1996, in Aarhus, Denmark, UNEP and the Secretariat of CBD convened the first session of the open-ended ad hoc working group to discuss the development of a protocol for the safe transfer, handling and use of living modified organisms that may have adverse effects on the conservation and sustainable use of biological diversity. Elements of the protocol were identified and agreement was reached to hold further meetings.

3. *Liability and compensation or restitution for environmental damage*

Under the Basel Convention, an ad hoc working group of legal and technical experts has been established for the preparation of a draft protocol on liability and compensation, possibly including the establishment of an international fund for compensation for damage resulting from the transboundary movement of hazardous wastes and their disposal. By the end of its fourth session, held in Geneva from 24 to 28 June 1996, the ad hoc working group had elaborated the draft articles of a protocol on liability and compensation for damage resulting from the transboundary movements of hazardous wastes and their disposal.

In 1994, UNEP established a working group on liability and compensation for environmental damage arising from military activities for consideration of issues of international law concerning liability and compensation for environmental damage, in particular, as they relate to the work of the United Nations Compensation Commission (UNCC). The Working Group aimed at providing assistance to UNCC, recognizing that the activities of the UNCC are likely to contribute to the further development or emergence of international law in this area. Further information on action in this regard may be found under Programme area E.

4. *Environment and trade*

UNEP, as the lead agency in the United Nations system for environmental matters, has a clear mandate to add its environmental voice to the debate on environment and trade. CSD has invited UNEP and UNCTAD, jointly and in cooperation with WTO, in accordance with their respective mandates and

competencies, to undertake further analysis on the issue of environment and trade. CSD further invited UNEP to continue its work on environment and trade in accordance with its mandate and requested UNEP and UNCTAD to transmit the results of their activities on trade, environment and sustainable development to the Committee on Trade and Environment for consideration at the WTO Ministerial Meeting in Singapore in December 1996. In preparation for this meeting, among other activities, UNEP, in cooperation with UNCTAD, is hosting a Ministers' Meeting on Environment and Trade, on 30 September and 1 October 1996.

In 1995, UNEP, in collaboration with CIEL, undertook a study on the use of trade measures in select multilateral environmental agreements which examines the relationship between the General Agreement on Tariffs and Trade (GATT)/WTO and such trade measures. The results of this study are contained in the publication *The Use of Trade Measures in Selected Multilateral Environmental Agreements*. Building on this work, UNEP and UNCTAD are currently cooperating on an empirical study on trade measures in Multilateral Environmental Agreements. This study will examine trade measures in the Basel Convention, CITES and the Montreal Protocol and consider the effectiveness of these measures in achieving environmental objectives. It will also examine the economic impact of trade measures and the effectiveness of positive measures, and comment on the contributions of the conventions to sustainable development. UNCTAD will conduct studies on these issues in a series of developing country case studies. This study is expected to be completed by late 1996.

UNEP has initiated a study on the feasibility and need for new international environmental instruments aiming at sustainable development, which includes a consideration of the need for a mechanism to harmonize the environment and trade regimes.

Environment and trade issues will remain on the international agenda for some time to come. For example, UNEP is currently assisting with the negotiation and development of new environmental instruments, which are likely to have trade implications, including instruments on PIC and POPs and a biosafety protocol. As a prelude to the meeting of the Intergovernmental Negotiating Committee on PIC, a meeting of an expert group on international environmental agreements and trade was convened by UNEP in New York on 30 and 31 March 1995, at which the intention was expressed to make the regime complementary to GATT/WTO.

5. *Examination of the environmental implications of international agreements on subjects which do not relate directly to the environment*

Since 1994, UNEP has held several discussions with the Provisional Technical Secretariat of the Preparatory Commission for the Organization for the Prohibition of Chemical Weapons, in order to identify possible areas of cooperation relating to the implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and their Destruction, adopted in Paris on 13 January 1993.

6. *Environmental problems of human settlements, including their growth*

UNEP participated in the second United Nations Conference on Human Settlements (Habitat II) held in Istanbul, Turkey from 3 to 14 June 1996. UNEP brought environmental problems related to human settlements to the forefront. Among other things, UNEP cosponsored the workshop on rights to land and property, in which environmental elements related to women and the legal issue of land rights were addressed.

UNEP is developing innovative responses to complex emergency situations through the Joint UNEP/UNCHS (Habitat) Task Force on the Continuum from Relief to Development. The Task Force is looking at the integration of settlements and environment-related activities as part of interventions in the various phases of the continuum from disaster to rehabilitation, reconstruction and sustainable development.

The Global Programme of Action sets out, among various issue areas, action plans on sewage which call for development of national programmes of action for the installation of appropriate and environmentally sound sewage facilities, and to this end, they call for ensuring incorporation of sewage concerns when formulating or reviewing coastal-development and land-use plans, including human-settlements plans.

7. *Transfer of appropriate technology and technical cooperation*

Several UNEP-administered conventions contain provisions which encourage the transfer of appropriate technology and technical cooperation.

The Multilateral Fund of the Montreal Protocol, administered by UNEP, has provided a mechanism for technology transfer and technical cooperation, in order to enable developing country Parties to the Protocol to phase out ozone-depleting substances.

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Item 6 of the provisional agenda*

PROGRAMME MATTERS

Mid-term review of the Programme for the Development and Periodic Review of Environmental Law for the 1990s and further development of international environmental law aiming at sustainable development

Report of the Meeting of Senior Government Officials Expert in Environmental Law for the Mid-Term Review of the Programme for the Development and Periodic Review of Environmental Law for the 1990s

Note by the Executive Director

The Executive Director has the honour to transmit for the information of the Governing Council the report of the Meeting of Senior Government Officials Expert in Environmental Law for the Mid-Term Review of the Programme for the Development and Periodic Review of Environmental Law for the 1990s, which was held in Nairobi from 2 to 6 December 1996, in accordance with Governing Council decision 17/25, paragraph 8. The Meeting, attended by representatives of 68 Governments, the European Commission and relevant organizations, adopted the observations and recommendations on the programme areas of the Programme for the Development and Periodic Review of Environmental Law for the 1990s for consideration by the Governing Council at its nineteenth session. These observations and recommendations, which are referred to in paragraph 22 of the report as being annexed thereto, are being submitted separately to the Council in all official languages as an annex to the report of the Executive Director on the mid-term review of the Programme for the Development and Periodic Review of Environmental Law for the 1990s and further development of international environmental law aiming at sustainable development (UNEP/GC.19/32). The Meeting also recommended that the Executive Director transmit to the Governing Council at its nineteenth session a number of elements to be considered for inclusion in the operative paragraphs of a decision on environmental law, as set out in paragraph 23 of its report. These elements have been incorporated into the sugested action by the Council in the above-mentioned report of the Executive Director. The complete report of the Meeting, including the annex, is being circulated in English, French and Spanish, the three working languages of the Meeting, under the symbol UNEP/Env.Law/3/3.

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Annex

REPORT OF THE MEETING OF SENIOR GOVERNMENT OFFICIALS EXPERT IN ENVIRONMENTAL LAW FOR THE MID-TERM REVIEW OF THE PROGRAMME FOR THE DEVELOPMENT AND PERIODIC REVIEW OF ENVIRONMENTAL LAW FOR THE 1990s

INTRODUCTION

1. The Meeting of Senior Government Officials Expert in Environmental Law for the Mid-term Review of the Programme for the Development and Periodic Review of Environmental Law for the 1990s was held at the United Nations Office at Nairobi (UNON) from 2 to 6 December 1996.

2. The Meeting was convened by the Executive Director of the United Nations Environment Programme (UNEP) to address the tasks envisaged in Governing Council decisions 17/25 and 18/9, taking fully into account the recommendations of the Commission on Sustainable Development (CSD).

I. OPENING OF THE MEETING

3. The Meeting was opened by the Executive Director of UNEP at 10.20 a.m. on Monday, 2 December 1996.

4. In her opening address, the Executive Director welcomed participants to Nairobi and said that the interplay between the scientific processes, the making of public policy and its expression through environmental law had shaped the activities of UNEP since its establishment. Under the Programme for the Development and Periodic Review of Environmental Law for the 1990s, UNEP had continued to develop and implement its environmental law programme, one example being the development of an international legally binding instrument for the application of the prior informed consent (PIC) procedure for certain hazardous chemicals in international trade. Also under the Programme, UNEP had been assisting countries to build their capacity to enhance their national environmental law and regulatory schemes, including those for the implementation of environmental conventions.

5. Noting that periodic reviews of the Programme would help align UNEP's priorities with those of Governments, the Executive Director encouraged participants to take into account relevant recent developments and invited their views on how such developments could be incorporated into the UNEP environmental law programme. Drawing the attention of the Meeting to the conclusions of the three meetings of the Expert Group Workshop on International Environmental Law Aiming at Sustainable Development, which included a draft position paper on international environmental law aiming at sustainable development, a preliminary draft feasibility study on new international environmental instruments, and observations on individual areas of the Programme, she suggested that the Meeting might wish to consider how the objectives of each programme area could be achieved. She also invited the Meeting to make recommendations to the Governing Council at its forthcoming session on how the Programme should be implemented towards the end of the decade.

II. ELECTION OF OFFICERS

6. At its opening session, the Meeting elected the following officers by acclamation:

Chairperson: H.E. Mr. B.G. Maiorski (Russian Federation)

Vice-Chairpersons: Ms. A. Moglia (Argentina)
Mr. P.S. Rao (India)
Mr. P. Széll (United Kingdom)

Rapporteur: Mr. C. Omondi (Kenya)

III. ORGANIZATIONAL MATTERS

A. Attendance

7. The Meeting was attended by experts from the following countries: Albania, Argentina, Austria, Bangladesh, Belarus, Benin, Cameroon, Canada, Central African Republic, Chad, Chile, China, Czech Republic, Dominican Republic, Ecuador, Egypt, Estonia, Ethiopia, Finland, France, Gambia, Germany, Guinea, India, Iraq, Israel, Jamaica, Japan, Jordan, Kazakstan, Kenya, Madagascar, Malawi, Mauritius, Mexico, Micronesia (Federated States of), Mongolia, Morocco, Mozambique, Myanmar, Nepal, Netherlands, Niger, Nigeria, Pakistan, Peru, Philippines, Poland, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Senegal, Seychelles, South Africa, Sri Lanka, Sudan, Sweden, Switzerland, Thailand, Tunisia, Turkey, Uganda, United Kingdom, United Republic of Tanzania, United States of America, Venezuela, Zimbabwe.

8. The Meeting was also attended by representatives of the following United Nations bodies and Secretariat units: United Nations Department for Policy Coordination and Sustainable Development (DPCSD), United Nations Institute for Training and Research (UNITAR), Interim Secretariat of the Convention to Combat Desertification.

9. The following intergovernmental organization was represented: European Commission.

10. The following international non-governmental organizations were represented by observers: World Conservation Union (IUCN), International Centre for Environmental, Social and Policy Studies.

B. Adoption of the agenda

11. The Meeting adopted the following agenda on the basis of the provisional agenda (UNEP/Env.Law/3/1):

1. Opening of the Meeting.

2. Election of officers.

3. Organizational matters:

(a) Adoption of the agenda;

(b) Organization of work.

4. Review of the Programme for the Development and Periodic Review of Environmental Law for the 1990s.

5. Consideration of observations and recommendations.

6. Other matters.

7. Adoption of the report.

8. Closure of the Meeting.

C. Organization of work

12. The Meeting decided to form a Working Group of the Whole to consider the substantive items on its agenda and that no plenary sessions would be convened while the Working Group was meeting.

13. The Meeting also decided to establish a Drafting Group under the chairmanship of Mr. Patrick Széll (United Kingdom) to prepare draft observations and recommendations on each of the areas in the Programme and to submit them to the plenary for consideration with a view to adoption and submission to the Governing Council at its nineteenth session. The Drafting Group would start its work after each area had been examined in detail in the Working Group under agenda item 4.

14. During the organization of the work, the Chairperson pointed out that the Meeting should focus its discussions on modalities to help enhance and strengthen the implementation of the Montevideo Programme II. Recent developments in international environmental law and the outcome of the meeting of the UNEP Expert Group Workshop on International Environmental Law Aiming at Sustainable Development should be taken into account.

IV. REVIEW OF THE PROGRAMME FOR THE DEVELOPMENT AND PERIODIC REVIEW OF ENVIRONMENTAL LAW FOR THE 1990s

15. In considering agenda item 4, the Meeting had before it a note by the secretariat on the mid-term review of the Programme for the Development and Periodic Review of Environmental Law for the 1990s (UNEP/Env.Law/3/2), the report of the Working Group on Liability and Compensation for Environmental Damage arising from Military Activities (UNEP/Env.Law/3/Inf.1), and the final report of the Expert Group Workshop on International Environmental Law Aiming at Sustainable Development (UNEP/IEL/WS/3/2). It also had before it the Mid-term Report on Implementation of the Programme for the Development and Periodic Review of Environmental Law for the 1990s, which had been prepared by the secretariat to explore the background for the mid-term review of the Programme, including the extent to which it had been implemented and, where

appropriate, priority areas and new areas that needed to be addressed in the light of recent developments in the field of the environment and sustainable development. The secretariat introduced those documents.

16. In their general statements under this item, a number of experts thanked UNEP for organizing the Meeting. They commended UNEP's work in the field of environmental law and expressed their support for the Montevideo Programme II. Some experts underlined that in view of the important role played by UNEP in the development of environmental law, the work of UNEP in that field should be reflected at the forthcoming special session of the General Assembly to review and appraise the implementation of Agenda 21. Within UNEP, environmental law should continue to be a programme priority. Stress was laid on the importance for UNEP to further the development of international environmental law and to provide assistance to developing countries and countries with economies in transition in enhancing national environmental legislation. A focus should be put on implementation of environmental treaties. Given the above, it was suggested that the Meeting should make concrete proposals with regard to a decision on UNEP's environmental law programme by the Governing Council at its nineteenth session.

17. It was noted that there were important emerging issues which should be addressed under the Montevideo Programme II, for example, the relationship between international environmental law and the World Trade Organization (WTO) Agreements.

18. The view was expressed that the Meeting should send a message to the Governing Council of UNEP at its nineteenth session that adequate funds should be ensured for UNEP's activities in environmental law.

19. Following the general remarks, the Working Group reviewed and discussed in detail each of the programme areas of the Montevideo Programme II. Observations on the Montevideo Programme II provided by the Expert Group Workshop on International Environmental Law Aiming at Sustainable Development were fully taken into account during the discussions.

V. CONSIDERATION OF OBSERVATIONS AND RECOMMENDATIONS

20. On the basis of the review and discussions, the Meeting considered how best the programme areas of the Montevideo Programme II would be implemented towards the end of the present decade. The observations regarding the Programme for the Development and Periodic Review of Environmental Law for the 1990s and other documents contained in the Final Report of the Expert Group Workshop on International Law Aiming at Sustainable Development (UNEP/IEL/WS/3/2) were taken into account as appropriate during the review.

21. After the Working Group of the Whole had reviewed in detail all programme areas of the Montevideo Programme II, the Drafting Group considered and prepared draft observations and recommendations on those programme areas. Some experts considered the possibility of action on the Code for the Safe Carriage of Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes in Flasks on Board Ships; the discussion was inconclusive. The issue

of UNEP's International Technical Guidelines for Safety in Biotechnology was also raised by some experts, although the discussion was inconclusive.

22. The Meeting adopted the observations and recommendations for consideration by the Governing Council of UNEP at its nineteenth session, as contained in the annex to the present report.*

23. The Meeting also recommended that the Executive Director transmit to the Governing Council at its nineteenth session the following elements to be considered for inclusion in the operative paragraphs of a decision on environmental law:

> "1. Commends the United Nations Environment Programme (UNEP) for the action it has taken to implement the Programme for the Development and Periodic Review of Environmental Law for the 1990s (Montevideo Programme II) during 1993-1996 and, in particular, the efficient use it has made of the limited resources available to it.
>
> "2. Takes note with appreciation of the position paper on international environmental law aiming at sustainable development.
>
> "3. Takes note of the preliminary study on the need for and feasibility of new international environmental instruments aiming at sustainable development and requests the Executive Director to continue within available resources work in identifying ways of better implementing existing and future international instruments aiming at sustainable development and the need for and feasibility of new such instruments.
>
> "4. Endorses the observations and recommendations made by the Meeting of Senior Government Officials Expert in Environmental Law for the Mid-term Review of the Programme for the Development and Periodic Review of Environmental Law for the 1990s on specific programme areas of Montevideo Programme II, as contained in the annex to the report of the Meeting, and requests the Executive Director to use them as guidance in further implementing the Programme.
>
> "5. Encourages the Executive Director to implement the Programme, as appropriate, in close cooperation with the relevant international organizations.
>
> "6. Reaffirms that the environmental law programme should remain among the major priority areas on which UNEP should concentrate in its 1998-1999 programme of work, and that adequate resources should be

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* Note by the secretariat. The observations and recommendations of the Meeting regarding the Programme for the Development and Periodic Review of Environmental Law for the 1990s are being circulated to the Council separately in all official languages in the annex to the the report of the Executive Director on the mid-term review of the Programme for the Development and Periodic Review of Environmental Law for the 1990s and further development of international environmental law aiming at sustainable development (UNEP/GC.19/32). For reasons of economy, they are not reproduced in the present information document.

allocated for its implementation, taking into account, however, the overall financial challenges facing the organization.

"7. Recommends that the role of UNEP in the field of international law aiming at sustainable development be reflected in the outcome of the Commission on Sustainable Development at its fifth session, preceding the special session of the United Nations General Assembly to review and assess the implementation of Agenda 21, to be held in 1997."

24. Following the adoption of the observations and recommendations, a representative, speaking on behalf of the members of the Group of Latin American and Caribbean Countries, said that they noted with great concern that the present meeting had not been able, in its observations and recommendations, to make any mention of environmental matters related to the Code for the Safe Carriage of Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes in Flasks on Board Ships, even though the issue was within the framework of the principles of international law and relevant multilateral agreements. That was a serious problem for their countries. In this respect, they expressed their deep concern regarding practices that impede the existence of an environment that is clean and free from nuclear wastes. The representative of Turkey said that he supported the opinion of the Group of Latin American and Caribbean Countries.

25. Another representative, speaking on behalf of the States members of the European Union present at the meeting and the European Commission, said that it would not be appropriate for the review of the Montevideo Programme II to include any element that was not included in the Programme. The Code for the Safe Carriage of Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes in Flasks on Board Ships was not part of the Montevideo Programme II. Moreover, in light of the efforts presently undertaken to enhance the efficiency of the United Nations system as a whole, UNEP should avoid embarking on work presently undertaken by IMO. It was important that UNEP focus on core issues. There was no need for the scope of the Montevideo Programme II to be further broadened. The representatives of the Russian Federation and the United States of America said that they supported the view expressed by the European Union member States and the European Commission.

VI. ADOPTION OF THE REPORT

26. The Meeting adopted the present report on 6 December 1996, on the basis of the draft report circulated as document UNEP/Env.Law/3/L.1.

VII. CLOSURE OF THE MEETING

27. After the customary exchange of courtesies, the Chairperson declared the meeting closed at 5.30 p.m. on 6 December 1996.

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POLICY ISSUES: COORDINATION AND COOPERATION WITHIN AND OUTSIDE THE UNITED NATIONS, INCLUDING NON-GOVERNMENTAL ORGANIZATIONS

Overview of UNEP's GEF-funded activities

Note by the Executive Director

INTRODUCTION

1. At the request of the Drafting Group of the Committee of Permanent Representatives meeting, held on 5 December 1996, this document, containing an overview of UNEP's GEF-funded activities is submitted as an information note to the nineteenth session of the Governing Council of UNEP, as a supplement to the report of the Executive Director on the participation of UNEP in the work of the Global Environment Facility (GEF) (UNEP/GC.19/16).

I. PROJECTS

A. Biodiversity

1. Support for the preparation of biodiversity country studies (costs, benefits and unmet needs of biodiversity conservation): phase 1:-Bahamas, Egypt, Nigeria, Peru, Poland, Thailand (US$ 5 million), phase 2:-Burkina Faso, China, Colombia, Cuba, Estonia, Georgia, Ghana, Guinea, Jordan, Lebanon, Madagascar, Malaysia, Morocco, Mozambique, Namibia, Papua New Guinea, Philippines, Syria, Tanzania, Tunisia, Zaire (US$ 2 million)

2. This project is designed to gather information on the status and trends of a country's species, genetic materials, habitats and ecosystems; the status of current practices for the conservation and use of biological

* UNEP/GC.19/1.

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diversity: and the monetary and non-monetary costs and benefits involved. It is an overview of the opportunities and problems that the country faces in protecting and mobilizing its biotic wealth. As such, the project is aimed at providing essential background information for the sound formulation of national biodiversity strategies and action plans. Through this process, the project also enhances the capacity of developing countries in respect of biodiversity assessment and project planning.

2. Biodiversity data management and networking biodiversity information (Bahamas, China, Chile, Egypt, Ghana, Kenya, Papua New Guinea, Poland, Thailand) (US$ 4 million)

3. The overall objective of this BDM project, which is based on the outputs of the biodiversity country studies project, is to enhance the capacity of developing countries in data management to support the implementation of the Convention on Biological Diversity. The project has selected countries to participate in the following activities: conducting a national institutional survey to report on the existing national capacity for data management; preparing a national plan for the management and application of biodiversity data in support of the Convention; developing a series of basic guidelines to support efficient information management; and compiling a resource inventory of available methods and technologies which can be drawn upon to assist data management.

3. Global Biodiversity Assessment (US$ 3 million)

4. The aim of this project is to provide an independent, critical, peer-reviewed scientific analysis of the current issues, theories and views regarding the origins, dynamics, assessment, measurement, monitoring, economic valuation, conservation and sustainable use of biological diversity to identify critical scientific issues and to draw attention to areas where there is consensus or continuing debate among scientists.

5. The global biodiversity assessment and the summary for policy-makers were released in November 1995 at the second meeting of the Conference of the Parties to the Convention on Biological Diversity.

6. A supplement to the main assessment, on human values of biodiversity, focusing on the traditional, religious and cultural values of biodiversity, was presented in November 1996 to the third meeting of the Conference of the Parties to the Convention on Biological diversity.

B. Climate change

1. Country case-studies on sources and sinks of greenhouse cases (Costa Rica, Gambia, Mexico, Morocco, Poland, Senegal, Tanzania, Uganda, Venezuela) (US$ 4.7 million)

7. The purpose of this project is to develop and refine the methodology for preparing national inventories of sources and sinks of greenhouse gases (GHG) and to enable the countries Parties to the United Nations Framework Convention on Climate Change to complete their national GHG inventories using the approved guidelines.

2. Capacity-building and infrastructure: participation in the assessment, methodology development and other activities of the intergovernmental Panel on Climate Change (IPCC) (US$ 2.8 million)

8. The purpose of this project is to enhance the contribution of experts from developing countries and countries with economies in transition to IPCC activities designed to provide scientific and technical assessments in support of the United Nations Framework Convention on Climate Change and to strengthen their countries' capacities in terms of research, systematic observation and detection of climate change and its impact and the development of response strategies.

3. Country studies on climate change impacts and adaptation assessments (Antigua and Barbuda, Cameroon, Estonia, Pakistan) (Phase 1: US$ 2 million)

9. The purpose of this project is to provide adequate methodologies for countries to assess the impact of climate change, especially in vulnerable sectors such as agriculture, forestry and the marine environment, and to elaborate integrated policies and plans for adaptation responses to climate change.

4. Economics of greenhouse gas limitations - Phase 1: establishment of a methodological framework for climate-change mitigation assessment (Argentina, Ecuador, Estonia, Hungary, Indonesia, Mauritius, Senegal, Vietnam, SADC and Andean regions) (US$ 3 million)

10. The purpose of this project is to complete integrated assessments of mitigation strategies and their costs in selected countries, leading to the establishment of a common methodology for calculating the costs of climate-change mitigation.

C. International waters

1. Strategic action programme for the binational basin of the Bermejo river (Argentina and Bolivia) (US$ 2.99 million)

11. The purpose of this project is to develop a strategic action programme that will promote environmentally sustainable development for the binational basin of the Bermejo river, with a view to reversing the environmental degradation of land and water resources which is occurring.

12. More specifically, the objectives of the project are to:

(a) Carry out an environmental diagnostic survey of the basin to identify priority transboundary environmental concerns;

(b) Formulate a strategic action programme for the binational basin aimed at solving priority transboundary environmental concerns;

(c) Assist the Governments of Argentina and Bolivia to incorporate transboundary environmental concerns, including biodiversity and the prevention of land degradation, into their development policies, plans and programmes for the basin; and

(d) Conduct demonstration activities during the process of formulating the strategic action plan to gain information needed for management purposes.

2. Assisting the other Implementing Agencies in the implementation of projects related to international waters

13. UNEP is also assisting the World Bank and UNDP in the implementation of the following GEF projects: the Lake Victoria Environmental Programme; developing the Danube River Basin Pollution Programme and developing the implementation of the Black Sea Strategic Action Plan.

II. PROJECT DEVELOPMENT FACILITY (PDF)

A. Biodiversity

1. Assessment of and support to the management of marine and coastal biodiversity of the East Asian seas (PDF A, US$ 25,000)

14. The PDF A was allocated to fund the costs associated with the holding of a workshop of government-designated experts to discuss the outline of a project proposal for a programme to support the assessment and management of marine and coastal biodiversity in the East Asian Seas.

2. Protection of the wild camel (Camelus bactrianus ferus) in the Gobi Desert (PDF A, US$ 25,000)

15. The PDF A was used to fund the costs of conducting a field survey to identify the status of the wild camel in the Gobi Desert and formulate a project proposal on the establishment of a nature sanctuary for the protection of this highly threatened endemic species.

3. Species 2000 programme for indexing the world's known species (PDF A, US$ 25,000)

16. Species 2000 is a programme aimed at listing and indexing all the species of organisms known to science in a manner that will make access to this index easy for all countries. The PDF A grant was used to support a three-day inaugural workshop to agree on the project plan, constitute a Species 2000 Federation, bringing together all major taxonomic database custodians, and design a common access system.

4. Supporting the implementation of Article 8 (j) of the Convention on Biological Diversity to preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity (PDF B, US$ 345,000)

17. The purpose of the proposal is to organize three regional workshops in Africa, Asia and the Pacific and Latin America and the Caribbean with representatives of indigenous and local communities to present the GEF and enable participants to prepare project proposals for supporting the implementation of Article 8(j) of the Convention on Biological Diversity.

B. Climate change

1. Assisting the Russian Federation to develop national legislation for the implementation of the United Nations Framework Convention on Climate Change (PDF A, US$ 25,000)

18. The purpose of the proposal is to assist the Russian Federation to review its sectoral legislation, with a view to facilitating the preparation of a GEF project proposal which will focus on strengthening the national capacity in the legal and institutional fields, so as to assist the country in reviewing its existing national legislation for the effective implementation of the commitments of the Russian Federation under the United Nations Framework Convention on Climate Change.

C. International waters

1. Proposal "Formulation of a strategic action programme for the Mediterranean Sea to address pollution from land-based activities" (PDF B, US$ 340,000)

19. The primary purpose of this PDF is the formulation of a costed and targeted strategic action programme of projects and activities for the protection of the Mediterranean Sea against degradation from land-based activities. The strategic action programme will encompass a broad framework and timetable for the implementation of mechanisms and measures that will lead to the protection of the marine environment, including its biological resources and diversity, from harmful land-based activities. This framework will include a basis on which to develop an investment portfolio to address the most acute environmental problems resulting from land-based activities.

20. More specifically, this strategic action programme will involve:

(a) Identification and assessment of problems and causes including pollution hot spots, leading to the development of a comprehensive transboundary diagnostic analysis;

(b) Establishment of priorities for action;

(c) Formulation of principles, approaches, measures and a timetable for implementation of the components of the programme; and

(d) Preparation of a priority list for intervention and investments.

2. Global international waters assessment (PDF B, US$ 350,000)

21. The overall purpose of this PDF is to prepare a project on a comprehensive and integrated global international waters assessment. The outcome of the project will provide an overarching structure and framework for deciding on those issues and problems, and those regions that would receive priority in the GEF international waters portfolio. More specifically, the assessment will involve the preparation of:

(a) Up-to-date related global reviews of selected issues and problems of relevance to the GEF international waters portfolio;

(b) Regionally based reviews of global issues and problems relating to the aquatic environment, including inter alia the significance of land-based activities; and,

(c) A global overview of interregional transboundary issues in the area of international waters.

3. Preparation of a transboundary diagnostic analysis and framework of a strategic action programme for the marine and coastal environment of the western Indian Ocean (PDF B, US$ 285,000)

22. The overall purpose of this PDF is to prepare a transboundary diagnostic analysis and the elements of a framework for a strategic action programme that will build upon and complement the institutional and programmatic framework put in place by the Nairobi Convention and Action Plan. The project will establish a process, the long-term objective of which is to secure global environmental benefits by identifying and implementing a sustainable management programme for the shared environment and resources of the region.

23. The strategic action plan derived from this PDF will seek to:

(a) Link and integrate the existing programmes and projects in the western Indian Ocean;

(b) Identify priority issues, gaps, overlaps and areas that need to be addressed in an holistic manner; and

(c) Identify appropriate demonstration activities that could be implemented in the short term.

4. Formulation of a transboundary diagnostic analysis and preliminary framework of a strategic action programme for the South China Sea (PDF B, US$ 335,000)

24. The primary purpose of this PDF initiative is to undertake an extensive transboundary diagnostic analysis for the South China Sea and the watersheds draining into it. The transboundary diagnostic analysis will form the basis for formulating a framework strategic action programme that will itemize

short and medium-term priorities for action. The project will be designed to implement short-term actions identified as a priority by the strategic action programme and further elaborate the framework developed under this PDF activity. Short-term actions envisaged include inter alia pre-investment feasibility studies, priority interventions in sustainable management of biodiversity and pilot demonstration projects.

25. More specifically the transboundary diagnostic analysis will identify appropriate interventions concerned with inter alia:

(a) Biological diversity management through the identification of subregional centres of diversity of regional and global importance;

(b) Joint management of fisheries through identification of fisheries-related problems involving over-harvesting of transboundary stocks, and degradation and loss of regionally important nursery and feeding areas;

(c) Assessment of contamination problems and causes including "pollution hot spots" and the identification of possible remedial action;

(d) The development of a priority investment portfolio, that would form the subject of pre-investment studies during the execution of the resultant GEF project;

(e) Projections of future environmental conditions resulting from continued economic growth and development; and

(f) Actions required at the national level to address the underlying causes of the problems and issues identified.

5. Assistance to other Implementing Agencies

26. UNEP is also assisting the other Implementing Agencies in the implementation and preparation of the following PDF proposals related to international waters:

(a) Strategic action programme for the Red Sea and Gulf of Aden region;

(b) Strategic action plan in the Danube River Basin;

(c) The Caspian Sea;

(d) The Mekong River; and

(e) The Nile initiative.

D. Ozone-layer depletion

1. Implementation of the Montreal Protocol

27. UNEP is engaged in partnership with UNDP in the formulation of country programmes and the preparation of technical assistance investment projects to help the following countries implement the Montreal Protocol:

(a) Turkmenistan, Uzbekistan and Cyprus (PDF B, UNDP: US$ 203,500; UNEP: US$ 145,000);

(b) Latvia and Lithuania (PDF B, UNDP: US$ 182,000; UNEP: US$ 49,500);

(c) Azerbaijan and Georgia (PDF B, US$ 235,000).

28. The global environmental objective of all these PDF B initiatives is to eliminate rapidly the production and consumption of ozone-depleting substances in the countries concerned. This will have the global environmental benefit of eliminating approximately 510 metric tonnes of ozone-depleting substances annually (1994 estimated figures).

29. More specifically, these initiatives have the following objectives:

(a) To ensure these countries' ability to meet the data requirements of the Montreal Protocol;

(b) To prepare country programmes to assist these countries to make the transition to non-ODS technology, as required by the Montreal Protocol, through support for priority subprojects, identified in the country programmes;

(e) To identify sectoral technical-assistance needs in these countries so as to enable the ODS phase-out process to commence and be sustained; and

(f) To identify and develop detailed sectoral ODS phase-out investment-project proposals in the five sectors, for subsequent funding and implementation by the World Bank as the appropriate GEF Implementing Agency.

30. There is a further PDF activity of UNEP to enable countries with economies in transition to phase out ODS in compliance with the Montreal Protocol (PDF B, US$ 89,875).

E. Land degradation/biodiversity

People, land use and environmental change (PLEC) (US$ 100,000)

31. PLEC is aimed at designing a central criterion and methodology approach to link the conservation of biological diversity and small-farmer livelihood strategies through replicable land-management strategies that have global value. The PDF B grant was used to consolidate phase one of the project, which focused on developing methodologies and preliminary assessments in five regional clusters.

32. The PLEC Project (US$ 6.1 million) has been cleared technically and will be submitted for adoption to the GEF Council.

F. Cross-cutting issues

1. Global environmental citizenship (PDF B, US$ 235,000)

33. The immediate objective of this PDF is to create a global environmental citizenship, whose members will understand their relationship and responsibilities in respect of global environmental goals, as prioritized by the international community, and participate in actions that will make it possible to attain these goals. The proposal will focus on Latin America and the Caribbean as the first region in which the global environmental citizenship will address the four focal areas of GEF.

34. The long-term objective is to ensure that action is taken by key groups on a continuing basis at the local, national and regional levels in support of the implementation activities related to the four focal areas of GEF.

35. This proposal would provide an opportunity to exchange experience and best practices on climate change, biodiversity, international waters and ozone-layer depletion among key constituencies in the region.

2. Project Development Workshop on GEF (PDF C, US$ 560,000)

36. UNEP is participating with UNDP and the World Bank, in the implementation of the Project Development Workshop on GEF. The objective of the project is to enhance the capacity of an ever-widening range of GEF stakeholders in participating countries to identify, develop, and manage well-designed, high-quality, country-driven GEF-eligible projects which produce maximum global benefits consistent with the GEF Operational Strategy and Programmes.

37. The project will produce the following outcomes which will enhance GEF's ability to bring about environmental benefits:

(a) It will build within GEF-eligible countries a working understanding among key actors in sustainable development of central GEF concepts, objectives and strategies;

(b) It will ensure the development of well-designed and formulated country-driven projects consistent with eligibility criteria; and

(c) It will build broader and more coherent GEF teams based on stronger linkages and working partnerships between in-country stakeholders, GEF operational focal points, the Implementing Agencies, the GEF secretariat and the relevant international environmental conventions.